



October 10, 2019

Pennsylvania Uniform Construction Code Review and Advisory Council
Bureau of Occupational & Industrial Safety
PA Department of Labor & Industry
651 Boas Street, Room 1613
Harrisburg, PA 17121

Delivered via email to: ra-uccrac@pa.gov

Submitted via public comment form: <https://expressforms.pa.gov/apps/pa/DLI/RAC-and-TAC-Public-Comment>

RE: ACC Comments Supporting the Adoption of the 2018 IECC for Residential and Commercial Construction in Pennsylvania With No Weakening Amendments

The American Chemistry Council (ACC) is a national trade association representing chemicals and plastics manufacturers in the United States, including member companies in Pennsylvania and providing over 40,000 direct jobs. Our members are committed to the safety of their products and to the protection of public health. Over 96% of all manufactured goods are directly touched by the business of chemistry, making this industry an essential part of every facet of our nation's economy. Chemistry provides significant economic benefits in every state including Pennsylvania. Thanks to chemistry, our lives are healthier, safer and more productive than ever before.

First, Do No Harm

We recognize the PA RAC recently completed an extensive code review and update. This careful deliberative process resulted in a broadly supported outcome that dramatically improved the code. It will have a tremendous, positive effect on construction in the commonwealth. We urge the PA RAC not to overturn or weaken the improvements made last year.

Adopting the model codes without weakening amendments is essential. The code provides a set of minimum standards and is developed through an exhaustive public process representing the collective wisdom of thousands of experts from various industries. Tailoring amendments can be helpful, but only so long as they recognize that the model code is a floor, not a ceiling. Thus, we recommend that Pennsylvania build on the most recent review and adopt the full 2018 IECC.



The 2018 IECC Is Good for Pennsylvania

Adopting the 2018 IECC for residential and commercial construction is good for Pennsylvania's businesses. Pennsylvania has a vibrant manufacturing sector with many businesses employing people in the development and sale of building products and systems used to increase the energy efficiency of buildings. Pennsylvania builders, building code officials, and product manufacturers participate in the process to develop the national model codes as a means to deliver a reasonable level of performance that citizens expect from our office buildings, schools and homes. Companies in the advanced manufacturing sector provide quality jobs for the people of Pennsylvania. These companies have invested in R&D and are producing cutting-edge products with enormous environmental and cost-savings. Similarly, new tools in material science are being used to test and evaluate innovation before incorporation into the code. Adopting a strong energy code takes advantage of innovation and technology in a win-win that supports consumers, homeowners, workers, and the state economy.

Sunset the PA Alternative

Shortly after the RAC approved the last code update, the Pennsylvania Housing Research Center (PHRC) developed the PA-Alt, an alternative code that lacks the transparency and stringency of the Uniform Construction Code. The PA-Alt circumvented the work of the RAC, yet claimed a mantle of legitimacy.

The PA-Alt supposedly began as a way for the Pennsylvania Department of Labor & Industry (DLI) to meet their legislated mandate to consider the development of alternative prescriptive methods for energy conservation that account for the various climatic regions within the Commonwealth per Act 45 of 1999. The language in Act 45 cited as authority for the PA-Alt states:

“Prescriptive methods for energy-related standards.--The department shall, within 180 days of the effective date of this section, by regulation promulgate prescriptive methods to implement the energy-related standards of the Uniform Construction Code which take into account the various climatic conditions through this Commonwealth. In deriving these standards the department shall seek to balance energy savings with initial construction costs.”

The RAC has followed a formal rulemaking process and produced the updated UCC. In reviewing the 2018 IECC, the RAC will consider a code tailored to Pennsylvania's needs by climate zone and that includes not only prescriptive methods but also an alternate performance path and energy rating index path giving balanced energy savings in a statutorily compliant manner. In other words, the Pa-Alt is no longer necessary as an alternative as the base code includes all the statutorily required elements as well as substantial flexibility for builders. It is time to sunset the PA-Alt.



ACC has substantial process concerns with the development of the PA-Alt including that it circumvents several clear and specific decisions made by the PA IRRC and RAC through public committee hearings and transparent, APA compliant rule-making. Several of the weakened elements of the PA-Alt appear to conflict with issues the RAC specifically considered and voted on in its public meetings. This sets the PA-Alt in direct conflict with the formal regulatory process. This should not happen again.

Furthermore, there is no explanation for the process and criteria (if any) for selecting members of the PHRC Industry Advisory Council. By contrast, the representation of a wide range of industry and public officials in the PA RAC process is specifically outlined in statute. We are concerned that your work will be undermined by the continued availability of the PA-Alt and urge the RAC to request it be sunset or discontinued.

ACC strongly supports adoption and implementation of the 2018 IECC and we are happy to answer any questions that you have as you work to maximize building energy efficiency. Please contact me at if we can be of any further assistance.

Josh Young
Senior Director, Government Affairs, State Affairs and Political Mobilization
josh_young@americanchemistry.com
American Chemistry Council
700 2nd Street, NE
Washington, DC 20002

