
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1344 Session of
1975

INTRODUCED BY MUSTO, WRIGHT, GOODMAN, O'BRIEN, LEHR, W. W. WILT,
TURNER, McCALL, MISCEVICH, TAYLOR, DAVIS AND WARGO,
JUNE 3, 1975

REFERRED TO COMMITTEE ON MINES AND ENERGY MANAGEMENT,
JUNE 4, 1975

AN ACT

1 Providing for the regulation for energy conservation purposes
2 the construction of public industrial and commercial
3 buildings, and for penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short Title.--This act shall be known and may be
7 cited as the "Building Energy Conservation Act."

8 Section 2. Legislative Findings and Declaration of
9 Purpose.--(a) The Legislature hereby determines that:

10 (1) Energy shortages in the domestic supply present far
11 reaching problems that promise to persist. These energy
12 shortages effect the continued efficient operation of the
13 Commonwealth's economy and social structure.

14 (2) It is now the Commonwealth's responsibility to
15 provide for safety in several classes of buildings through
16 regulation of design and construction standards.

17 (3) The Legislature intends, by this act, to respond to

1 these shortages by devising a specific responsible energy
2 conservation policy for building systems.

3 (b) The purpose of this act is to grant to the Commonwealth
4 of Pennsylvania and direct it to exercise specific authority in
5 public, commercial and industrial building construction to
6 assure that energy conservation materials and techniques are
7 used.

8 Section 3. Definitions.--As used in this act:

9 "Building" means any structure included in the Class I, II,
10 III, IV building categories cited in section 2, act of April 27,
11 1927 (P.L.465, No.299), referred to as the Fire and Panic Act.

12 "Constructed" means the erection, fabrication,
13 reconstructions, major alterations, or conversion.

14 "Department" means the Pennsylvania Department of Labor and
15 Industry.

16 "Design" means the drawings or plans which are used in the
17 construction of a building.

18 Section 4. Adoption and Promulgation of Standards.--Within
19 18 months after the effective date of this act the department
20 shall, after one or more public hearings, adopt and publish
21 energy conservation standards for all new buildings. The purpose
22 of such standards is to reduce wasteful or uneconomic
23 consumption of energy by balancing the cost of energy
24 procurement against the cost of energy-conserving building
25 practices to achieve the minimum lifetime cost for all new
26 buildings, measured by combined construction and operating
27 costs. The energy conservation standards shall meet the
28 following criteria:

29 (1) They shall be consistent with the latest and most
30 effective technology.

1 (2) They shall provide adequate safeguards for public
2 health and safety.

3 (3) They shall be economically feasible in that the
4 resultant savings in energy procurement shall be greater than
5 the cost of the energy conserving requirements amortized over
6 the design life of the buildings.

7 (4) They shall be sufficiently stringent to effect a
8 significant savings of energy resources by both residential
9 buildings regulated by the act and nonresidential buildings.

10 (5) They shall include both performance and procedural
11 standards.

12 Section 5. Performance Standards.--The performance standards
13 shall be promulgated in terms of energy consumption allotments
14 and shall take into consideration the various classes of
15 building uses. Performance standards shall allow for design
16 flexibility since only the total allotment of energy is
17 prescribed. The specific practices that a designer employs are
18 not prescribed, as long as the total energy consumption stays
19 within the energy allotment, determined by the applicable
20 performance standard. If solar energy or the wind are utilized
21 as substitutes for nonrenewable fossil or nuclear energy, then
22 an energy bonus may be added to the project's total energy
23 allotment.

24 Section 6. Procedural Standards.--The procedural standards
25 shall be directed toward specific design and building practices
26 that produce building envelopes with good thermal resistance and
27 low air leakage and toward requiring practices in the designing
28 of mechanical and electrical systems which conserve energy. The
29 procedural standards shall include, when applicable, but shall
30 not be limited to, the following:

1 (1) Total insulation efficiency expressed as either a
2 weighted average "U" value or an "R" value allowed per square
3 foot of exposed envelope of the structure.

4 (2) Necessary task area lighting as separate from
5 nontask area lighting requirements.

6 (3) Necessary climate control systems.

7 (4) The use of storm doors and storm windows.

8 (5) Sufficient weather stripping, sill sealers, vapor
9 barriers, and glazing.

10 (6) Practical ventilation requirements which account for
11 structural population density and the periods when the
12 structure is not in use.

13 (7) The use of economizer cycles.

14 (8) The use of automatic time clocks for ventilation
15 systems and night setbacks of thermostats.

16 Section 7. Residential and Nonresidential Structures.--The
17 construction of nonresidential structures shall be in accordance
18 with the total energy allocation prescribed by the performance
19 standards developed by the department. The construction of
20 residential structures regulated by the act shall be in
21 accordance with either a total energy allocation prescribed by
22 the performance standards or the specifications of the
23 procedural standards at the option of the designer. In either
24 case, the procedural standards may provide a baseline reference
25 for normal, acceptable practices and maximum rates of allowable
26 energy consumption per gross square foot of floor space
27 according to building use. The department shall review the
28 distinction here being made between residential and
29 nonresidential structures to determine whether such a
30 distinction should more appropriately be made on the basis of

1 total energy consumption by the use of a threshold measure of
2 total energy in BTU's that the project is expected to consume
3 during the construction and lifetime operation of the structure.

4 Section 8. Applicability of Energy Conservation Standards.--

5 The energy conservation standards shall take effect six months
6 after their adoption and shall apply only to new buildings on
7 which actual construction has not commenced prior to their
8 effective date.

9 Section 9. Energy Conservation Manual for Buildings.--(a) No
10 later than four months after adoption of the energy conservation
11 standards required by this act, the department shall produce an
12 energy conservation manual for use by designers, builders, and
13 contractors of residential and nonresidential buildings. The
14 manual shall be furnished upon request to members of the public
15 at a price sufficient to cover the cost of printing. The manual
16 shall contain, but need not be limited to, the following:

17 (1) The standards for energy conservation established by
18 the department.

19 (2) Forms, charts, tables, and other data to assist
20 designers and buildings in meeting the standards.

21 (3) Design suggestions for meeting or exceeding the
22 standards.

23 (4) Any other information which the department finds
24 will assist persons in conforming to the standards and
25 becoming familiar with the latest technologies that they
26 might use in complying with the standards.

27 (b) The manual shall be updated periodically as significant
28 new energy conservation information becomes available.

29 Section 10. Approval of Plans.--It shall be the duty of the
30 owner, architect, or contractor of every building or structure,

1 as described in this act, hereafter constructed, to submit to
2 the department for approval, architectural drawings,
3 specifications, or other data showing compliance with the
4 provisions of this act and the rules and regulations of the said
5 department which may be promulgated for the enforcement of the
6 provisions of this act. No such building or structure shall be
7 constructed until such plans have been examined and approval
8 given by the department and a building permit obtained in
9 municipalities where such permit is required by ordinance.

10 For making the necessary examination for approval of
11 architectural drawings, specifications, or other data, the
12 department shall make a charge equal to the actual cost of
13 making such examinations, not, however to exceed the sum of
14 \$300, and no such drawings, specifications, or other data shall
15 be approved until payment is made of the fee charged therefor.
16 All fees received by the said department for making such
17 examinations shall be paid into the State Treasury through the
18 Department of Revenue.

19 Any such owner, architect, or contractor, whose drawing or
20 specifications have been submitted to and approved by the
21 department as herein provided, may proceed with the construction
22 of such building without submitting such drawing or
23 specifications to or obtaining the approval of any other
24 department, board, or agency of the State Government.

25 Section 11. Permits for Use or Occupancy.--Before any
26 building or structure hereafter constructed, erected, or
27 extensively altered shall be used or opened for occupancy, the
28 owner thereof shall notify the Department of Labor and Industry
29 of the completion of the erection, adaption, or alteration of
30 said building or structure. If the department finds, after

1 proper investigation, that the building or structure complies
2 with the requirements of this act, and the rules and regulations
3 promulgated for the enforcement of the provisions of this act,
4 then the department shall issue to the owner of the building or
5 structure a permit authorizing the occupancy or use of the
6 building or structure.

7 Section 12. Failure to Submit Plans or Obtain Approval.--

8 Whenever the owner of any building or structure to be
9 constructed, erected or extensively altered shall fail to submit
10 plans to the department or having submitted plans, shall have
11 failed to obtain approval of such plans, and shall nevertheless
12 proceed with the work of constructing, the building, the
13 department shall serve notice on the said owner, or his
14 contractor or his architect, to immediately cease all work on
15 said building; and a notice shall be placed on the premises
16 prohibiting such work being performed until the said plans have
17 been submitted and approval given by the department.

18 Section 13. Failure to Comply with Provisions of this Act.--

19 Whenever the owner of any building, as described in this act,
20 shall fail to comply with the provisions of this act, or the
21 rules and regulations of the department formulated under the
22 authority of this act, and upon whom a written order shall be
23 served by the department to comply with the said provisions of
24 this act and the rules and regulations of the department and who
25 nevertheless shall have failed to comply with the said written
26 order within the time specified in the same. The department
27 shall be authorized to immediately order the building or
28 structure to be vacated or placed out of service until such time
29 as the requirements of the act and the rules and regulations of
30 the department shall have been fully complied with.

1 Section 14. Prosecutions.--Any person who shall violate any
2 of the provisions of this act, or the rules and regulations of
3 the orders for the enforcement of the said provisions or rules
4 and regulations issued by duly authorized officers of the
5 department or who shall hinder, delay or interfere with any
6 officer charged with the enforcement of this act in the
7 performance of his duty, shall, upon conviction thereof, be
8 punished by a fine of not more than \$300 and costs, or not more
9 than three months imprisonment in the county jail, or either, or
10 both, in the discretion of the court.

11 Any person who shall fail or refuse to vacate a building or
12 portion of a building, or who shall fail to cease work in the
13 constructing of a building, or who shall fail to vacate or place
14 out of service any building, after due notice having been served
15 upon him by an officer of the department and proper notice
16 having been placed upon the building or structure by such
17 officer, shall be liable for a penalty of \$10 a day for each day
18 he shall have so failed or refused to vacate, cease work on, or
19 place out of service the building, portion of building upon
20 which such notice has been placed, the said penalty to be
21 collectible in the same manner as any fine payable to the
22 Commonwealth.

23 Prosecutions for violations of this act, or the rules and
24 regulations of the department may be instituted by the Secretary
25 of Labor and Industry, or under his directions by any authorized
26 representative of the department. Upon conviction after a
27 hearing the sentences provided in this act shall be imposed, and
28 shall be final unless an appeal be taken in the manner
29 prescribed by law.

30 All fines collected under this act shall be forwarded to the

1 department who shall pay the same into the State Treasury for
2 the use of the Commonwealth.

3 Section 15. Enforcement.--The provisions of this act shall
4 apply to every building enumerated in this act, including
5 buildings owned in whole or in part by the Commonwealth or any
6 political subdivision thereof, and shall be enforced by the
7 Secretary of Labor and Industry, by and through his authorized
8 representatives.

9 For the purpose of enforcing the provisions of this act, all
10 the officers charged with its enforcement shall have the power
11 to enter any of the buildings enumerated in this act, and no
12 person shall hinder or delay, or interfere with any of the said
13 officers in the performance of his duty, nor refuse information
14 necessary to determine whether the provisions of this act and
15 the rules and regulations herein provided for, are or will be
16 complied with.

17 Section 16. Effective Date.--This act shall take effect
18 immediately.