



**Testimony of J. Scott Robinette
Deputy Secretary for Safety and Labor-Management Relations**

**before the joint House Labor & Industry Committee and House Urban Affairs Committee
regarding “building demolition” and House Bill 1591**

**Philadelphia, Pennsylvania
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Chairman Scavello, Chairman Keller, Chairman Gillespie, Chairman Harhai and members of the Labor & Industry and Urban Affairs Committees, I am Scott Robinette, Deputy Secretary for Safety & Labor-Management Relations for the Department of Labor & Industry. On behalf of Secretary Hearthway, thank you for the opportunity to testify today on the subject of building demolition and the provisions of House Bill 1591.

Part of my job as deputy secretary is, to the extent the department has statutory oversight, to ensure that workplaces are safe, secure and that state labor laws are enforced. In November 1999, the General Assembly passed legislation known as the Pennsylvania Construction Code Act (“PCCA”). The primary purpose of the PCCA is to provide standards for the protection of life, health, property and the environment as well as for the safety and welfare of consumers, the general public and the owners and occupants of buildings and structures. But no single piece of legislation can insulate the public from the potential for injury or loss of life. Sadly, the events of June 5, 2013, served as a painful reminder of that fact.

The department supports attempts to increase safety for the general public, particularly in the area of building demolition, and appreciates the effort that the authors of House Bill 1591 have made to further this shared objective. However, certain aspects of the bill merit further review and consideration.

Demolition. Under the PCCA, the department was charged with developing the regulations that would become the Uniform Construction Code (“UCC”). In so doing, the department specifically included demolition within the scope of the UCC. This means that the requirements of the UCC and International Building Code (“IBC”) apply to the demolition of commercial buildings in the commonwealth. Included in the current adoption of the UCC are standards for such things as construction documents, pedestrian protection, and protection of adjoining property when a building is demolished. House Bill 1591 would add the term “demolition” to the statutory scope of the PCCA, harmonizing it with the regulations adopted by the department. The department supports adding “demolition” to the scope of the PCCA.

Building Code Review. Section 105(a.1) of House Bill 1591 would require the department to conduct an annual review of code enforcement activity in cities of the first class. In addition, this section authorizes the department to seek compliance through proceedings in Commonwealth Court. The department already conducts periodic audits of enforcement of accessibility provisions of the UCC for all municipalities that have elected to administer the UCC, including Philadelphia. The department also investigates complaints against individual code administrators for possible disciplinary action. The department believes a cooperative system of enforcement, rather than one that places it in a potentially adversarial relationship with the city, better advances the objective of public safety.

Demolition Permits. Section 502(d) of House Bill 1591 creates additional requirements for demolition permits in cities of the first class. Of particular note is the requirement that the building code official who issues the permit must evaluate the site safety plans to determine compliance with safety standards set forth by the federal Occupational Safety and Health Administration (“OSHA”). Code administrators may not have the training, expertise or knowledge to adequately enforce OSHA standards as required in the bill. The department’s view is that enforcement of federal OSHA standards is properly left to the federal government. This section also uses the term “multiple single-family dwelling,” which is a term not currently recognized in the PCCA, the UCC or the other adopted codes. The department recommends that this term be defined.

Training. Section 5 of House Bill 1591 provides for training and enforcement programs for cities of the first class. Undoubtedly, well-trained code administrators are critical to successful enforcement of the UCC. The department is supportive of training and educational opportunities for those charged with the administration and application of the UCC and related codes.

Applicability. We certainly understand the intent of the legislation is to prevent another tragic building collapse. However, House Bill 1591 would only apply to cities of the first class. The department suggests that if the committee is interested in reforms to the UCC with respect to demolition, those reform measures should be applied statewide to ensure safety and security of all Pennsylvania workers and residents.

Mr. Chairman, thank you for the opportunity to testify. I would be happy to answer any questions you may have.