



Written Testimony of Donald J. Vigneau, AIA / Building Codes Project Manager  
Northeast Energy Efficiency Partnerships (NEEP)  
For the House Labor and Industry Committee  
Regarding HB 725 / HB 377 - An Act Amending the Pennsylvania Construction Code Act  
April 6, 2011

Chairman Miller, Minority Chairman Keller, and members of the Committee:

On behalf of Northeast Energy Efficiency Partnerships (NEEP)<sup>1</sup>, thank you for the opportunity to provide testimony on HB 725 - *“An act amending the...Pennsylvania Construction Code Act (CCA)”* as further amended by HB 377.

NEEP is a regional non-profit organization founded in 1996 whose mission is to promote the efficient use of energy in homes, buildings, and industry throughout the Northeast and Mid-Atlantic through regionally coordinated programs and policies that increase the use of energy efficient products, services and practices, and help achieve a cleaner environment and a more reliable and affordable energy system.

NEEP has a long history of working on energy efficiency policies and programs in the Commonwealth of Pennsylvania. Since its inception, NEEP has partnered with state utilities and a number of stakeholder organizations inside and outside of government on a variety of initiatives that increase the energy savings potential of homes and businesses in Pennsylvania. Together, NEEP and the Commonwealth have successfully worked on regional collaborative projects to transform markets, readying them for more energy efficient products and services, as well as complementary public policy projects. NEEP has helped Pennsylvania to adopt new appliance efficiency standards; and to develop, adopt and administer advanced building energy codes, among other measures.

Personally, I am a former Connecticut State Building Inspector, a former local building official, and a licensed professional architect. I have had 50 years experience in the design, construction review and regulation of building construction, and am involved in promoting and teaching best practices in building and energy codes. I am taking this opportunity to comment on HB 725 because if passed it will effectively weaken Pennsylvania’s reputation as a national leader in energy efficiency and building safety, as well deter economic growth and job creation for the Commonwealth.

### **Pennsylvania Construction Code Act is Progressive and Economically Responsible**

The State’s Construction Code Act (CCA), because of its alignment with minimum national efficiency goals, has brought over \$99 million in grants and programs into Pennsylvania from American Recovery and Reinvestment Act (ARRA) federal stimulus monies, committed to help implement workforce development, energy efficiency efforts and programs, and efficient construction standards. The Commonwealth has already received or been assured of almost 83 percent of these funds.<sup>2</sup>

HB 725 unilaterally voids Pennsylvania’s agreement with the DOE for obtaining this ARRA funding by legislatively rolling back several key portions of adopted state residential energy regulations, to below

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<sup>1</sup> These comments are offered by NEEP staff and do not necessarily represent the view of the NEEP Board of Directors, sponsors or partners.

<sup>2</sup> [http://www.naseo.org/programs/sep/recovery/State\\_Energy\\_Program\\_ARRA\\_Update-2010-03.pdf](http://www.naseo.org/programs/sep/recovery/State_Energy_Program_ARRA_Update-2010-03.pdf) (Page 57)



the minimum requirements set in ARRA as conditions of that agreement. Endorsement of the proposed bill will definitely affect all future grants under ARRA, and call into question any other distributions from those grants already committed.

Pennsylvania's CCA has already stimulated the creation of jobs as demand for both energy auditors and contractors who can construct and certify building safety and energy performance is poised to increase significantly under recently adopted code requirements.

**Problems with HB 725, as modified by HB 377**

Proposed bill HB 725 hamstring the Review and Advisory Council's (RAC) ability to accomplish its mandate to revise and update codes that best serve the health, safety and energy interests of the Commonwealth of Pennsylvania.

HB 725 proposes major changes to the State's Construction Code Act (CCA) that will cause substantial problems and delay state progress:

Proposed CCA Changes under HB 725	Problem(s) Caused
Enlarging the Review and Advisory Council (RAC)	Disproportional representation by users of the codes, without any corresponding increase in other stakeholders' interests. RAC still does not include representation from licensing boards, health or environmental state agencies that still must coordinate their regulations with the requirements of the model codes now adopted.
Requiring a 2/3 majority of the expanded RAC for approval of any code change recommendations	Essentially removes rights from expert decision makers in the code amendment process (i.e. design professionals and local officials) and allows a minority vote (i.e. building owners) to block safety, technology and advanced energy efficient code changes in future adoptions.
Reducing the timeline for action available to RAC in drafting, reviewing, holding public hearings and deciding on final acceptance of proposed modifications	It is often difficult to complete reporting requirements and keep pace with national model code cycles under this constrained time period. Furthermore, if no changes are submitted within the new set 15 month review period, "no new code shall be adopted."
Reducing public hearings from six to three in HB 377, and not allowing RAC to make any modifications that were not publicly presented	It becomes nearly impossible for RAC to make any meaningful code improvements over time.
Setting a flat fee for per diem RAC expenses on every building permit	This fails any test of equitable distribution of costs. Major new construction should be required to pay a fee proportionate to its value as compared to small renovation and repair projects that require permit approval and could have a 10 percent or more additional burden with this fee.

**Conclusion:**



**NEEP urges the Committee to Disapprove HB 725 as further amended and to Uphold Current Legislation**

It is vitally important to the future of Pennsylvania's economy that the Commonwealth not subvert the process it has already created, that provides for a responsive code adoption and amendment process, via the expert discretion already assembled in RAC, and assures safe, healthy living and working conditions in buildings constructed both now and into the future. Pennsylvania cannot afford for its building codes to be mired by legislative changes, proposed in HB 725, which would prevent the State from making continual advancements and improvements in building energy efficiency that will result in the State becoming uncompetitive in the region.

We appreciate this opportunity to provide NEEP's perspective on why this legislation is a major concern for economic, energy and environmental policy for the Commonwealth of Pennsylvania, and we continue to offer our support in working with this committee and all other building and energy codes stakeholders to address specific concerns in the code adoption and amendment process.

Thank you again for the opportunity to provide our comments.

**Contact Information:**

Donald J. Vigneau, AIA  
NEEP Building Energy Codes Project Manager  
781-860-9177 x 136 or [dvigneau@neep.org](mailto:dvigneau@neep.org)