

SUPPLEMENTARY INFORMATION:

Background

The ADA authorizes the Department of Justice (Department), upon application by a State or local government, to certify that a State or local law that establishes accessibility requirements meets or exceeds the maximum requirements of title III of the ADA for new construction and alterations. 42 U.S.C. 12188(b)(1)(A)(ii); 28 C.F.R. 36.601 *et seq.* Final certification constitutes rebuttable evidence, in any ADA enforcement action, that a building constructed or altered in accordance with the certified code complies with the new construction and alterations requirements of title III of the ADA.

By letter dated January 27, 1992, the Washington State Building Code Council (Council), requested certification by the Attorney General that the Washington State Regulations for Barrier Free Design (code) meets or exceeds the new construction and alterations requirements of title III of the ADA.

On May 20, 1993, after consulting with the Architectural and Transportation Barriers Compliance Board (Access Board), the Department provided technical assistance to the Council identifying issues that needed to be addressed before certification could be considered.

On August 20, 1993, the Council made a supplemental submission, providing its 1992 amendments to the code, newly-issued interpretations of the code, and comments responding to the Department's preliminary response. By letter dated March 23, 1994, the Council provided further supplementation of its submission.

On July 22, 1994, the Department responded to the supplemental submissions. On November 17, 1994, the Council adopted amendments to the code addressing the remaining issues raised by the Department. By letter dated November 28, 1994, the Council submitted those amendments as a supplement to its certification request.

The Department has analyzed the Washington code, as adopted on November 8, 1991, and amended on November 13, 1992, and November 17, 1994, and has preliminarily determined that it meets or exceeds the new construction and alterations requirements of title III of the ADA. By letter dated December 6, 1994, the Department notified the Council of its preliminary determination of equivalency.

Effect of Certification

The certification determination will be limited to the version of the Washington code, including the amendments and interpretations, that has been submitted to the Department. The certification will not apply to amendments or interpretations that have not been submitted and reviewed by the Department.

The certification will not apply to any elements or features not addressed in the Washington code, which are advisory only. Finally, the certification will not apply to waivers granted under the Washington code by local building officials. Therefore, if a builder receives a waiver, modification, variance, or other exemption from the requirements of the Washington code for any element of construction or alterations, the certification determination will not constitute evidence of ADA compliance with respect to that element.

Comments and Hearings

On January 12, 1995 the Department published a notice in the **Federal Register** announcing that it had preliminarily determined that the Washington code meets or exceeds the new construction and alterations requirements of title III of the ADA. The Department also noted that it intended to issue final certification of the Washington code and requested written comments on the preliminary determination and the proposed final certification. Finally, the Department noted that it intended to hold informal hearings in Washington, D.C. and Seattle, Washington.

The purpose of the informal hearings is to provide an opportunity for interested persons, including individuals with disabilities, to express their views with respect to the preliminary determination of equivalency of the Washington code. Interested parties who wish to testify at a hearing should contact Tito Mercado at (202) 307-0663 (Voice/TDD). This is not a toll-free number.

The meeting sites will be accessible to individuals with disabilities. Individuals who require sign language interpreters or other auxiliary aids should contact Tito Mercado at (202) 307-0663 (Voice/TDD). This is not a toll-free number.

Dated: January 5, 1995.

Kerry Alan Scanlon,

Acting Assistant Attorney General for Civil Rights.

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DEPARTMENT OF LABOR**Office of the Secretary**

**Bureau of International Labor Affairs;
U.S. National Administrative Office;
North American Agreement on Labor
Cooperation; Hearings on
Submissions #940003 and #940004**

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of hearings.

SUMMARY: The purpose of this notice is to announce hearings, open to the public, on Submissions #940003 and #940004.

Submission #940003, filed with the U.S. National Administrative Office (NAO) by the International Labor Rights Education and Research Fund, the Asociacion Nacional de Abogados Democraticos (National Association of Democratic Lawyers), the Coalition for Justice in the Maquiladoras, and the American Friends Service Committee, involves labor law matters in Mexico and was accepted for review by the NAO on October 13, 1994. Notice of acceptance for review was published in the **Federal Register** on October 20, 1994. Submission #940004, filed by the United Electrical, Radio and Machine Workers of America, also involves labor law matters in Mexico and was accepted for review on November 4, 1994. Notice of acceptance for review was published in the **Federal Register** on November 10, 1994.

Article 16(e) of the North American Agreement on Labor Cooperation (NAALC) provides for the review of labor law matters in Canada and Mexico by the NAO in accordance with U.S. domestic procedures. Revised procedural guidelines pertaining to the submission, review, and reporting process utilized by the Office were published in the **Federal Register** on April 7, 1994. The guidelines provide for a hearing as part of the review.

DATES: The hearing on Submission #940003 will be held on February 13, 1995, commencing at 9: A.M. The hearing on Submission #940004 will be held immediately following the hearing on Submission #940003, continuing, if necessary, on February 14.

Persons wishing to provide information or present their views on matters related to the review of