

Michigan Office of Administrative Hearings and Rules

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**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Licensing and Regulatory Affairs

Division/Bureau/Office:

Bureau of Construction Codes

Name of person completing this form:

Amanda Johnson

Phone number of person completing this form:

517-241-3408

E-mail of person completing this form:

JohnsonA39@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2019-117 LR

Title of proposed rule set:

Part 7 Plumbing Code Rules

3. Purpose for the proposed rules and background:

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Part 7 of the Construction Code currently adopts by reference the 2018 edition of the International Plumbing Code (IPC), which is based on plumbing principles used in plumbing codes across the country. Part 7 also includes rules that amend the IPC that address plumbing practices that are specific to Michigan and deletes those requirements in the IPC that do not pertain to Michigan because of the State's geographic and environmental features. The proposed rules will adopt by reference the 2018 edition of the IPC with amendments, deletions, and additions deemed necessary for use in Michigan.

The proposed rules provide the latest standards to protect the health and promote the safety and welfare of the State's residents by regulating the installation and inspection of plumbing within the state.

Adoption of the 2018 edition of the IPC as well as an update of the rules could result in cost savings for homeowners and contractors who will be able to use the latest materials and technology as a result of the revision of the rules.

4. Summary of proposed rules:

Part 7 of the Construction Code currently adopts by reference the 2018 edition of the International Plumbing Code (IPC), which is based on plumbing principles used in plumbing codes across the country. Part 7 also includes rules that amend the IPC that address plumbing practices that are specific to Michigan and deletes those requirements in the IPC that do not pertain to Michigan because of the State's geographic and environmental features. The proposed rules will adopt by reference the 2018 edition of the IPC with amendments, deletions, and additions deemed necessary for use in Michigan.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

The Morning Sun: Publication date August 7, 2020.

Newberry News: Publication date August 12, 2020.

MLive Ann Arbor: Publication date August 9, 2020.

6. Date of publication of rules and notice of public hearing in Michigan Register:

8/15/2020

7. Date, time, and location of public hearing:

9/3/2020 09:00 AM at Zoom , [https://zoom.us/j/95546569772?](https://zoom.us/j/95546569772?pwd=K05nZ3pLQktuSjB5WXNydfJubHdtUT09)

[pwd=K05nZ3pLQktuSjB5WXNydfJubHdtUT09](https://zoom.us/j/95546569772?pwd=K05nZ3pLQktuSjB5WXNydfJubHdtUT09)

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTtransaction?TransactionID=103>

9. List of the name and title of agency representative(s) attending public hearing:

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- Kevin Kalakay: BCC Mechanical Manager
- Andy Neuman: BCC Plumbing Manager
- Alesha Gensler: Deputy Director of BCC.
- Anthony Snyder: Legislative Analyst
- Amanda Johnson- Rules Analyst / Hearing Officer

10. Persons submitting comments of support:

None.

11. Persons submitting comments of opposition:

William Hordyk: Representing himself and the Metro Building Inspectors of Greater Grand Rapids.

Mr. Hordyk inquired why the department deleted the following sections of the Plumbing Code: 103.1 to 103.3, 104.2, 104.5 to 104.7, 105.3 to 105.3.3, 106.3, 106.3.3, 106.5.5, 108.3, 108.5, and 109.1

Below is the reasoning why the following sections were deleted from the Plumbing Code:

The following sections exceeds the scope of PA 230 103.1, 103.2, 103.3, and 106.3.3.

The following sections are provided for in PA 230 104.2, 104.5, 104.6, 104.7, 105.3, 105.3.1, 105.3.2, 105.3.3, 106.3, 106.5.5, 108.3, 108.5, and 109.1.

12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for change	Rule number & citation changed
1	William Hordyk	<p>Mr. Hordyk wanted to know why we are deleting or amending 105.1 and 106.3.2 .</p> <p>Mr. Hordyk inquired the following:</p> <p>In review of the proposed rule changes, I would like to raise an objection to the deletion of substantial portions of the administrative section (chapter 1) of the</p>		<p>Section 105.1 was going to be excepted out in R 408.30701 but the department decided to keep the section in the rule set. This will continue the option for inspectors to make modifications if something is exactly specific within the Code, but doesn't require</p>	<p>105.1 106.3.2</p>

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		<p>Plumbing Code. These sections identified for deletion have existing in the model code and MI versions of that code since the promulgation of the 2000 codes. Similar language has also been a part of the MI adopted codes from the formation of PA 230 of 1972 without being modified by administrative rules. Why is it now that the director has determined to throw out over 50 years of precedence and claim that these sections of code are in contradiction to the Act? I ask the director to respond with reasoning for the deletions, and specific reasoning for each of the following sections identified for deletion from the 2018 International Plumbing Code : 103.1 to 103.3, 104.2, 104.5 to 104.7, 105.1, 105.3 to 105.3.3, 106.3, 106.3.2, 106.3.3, 106.5.5, 108.3, 108.5, and 109.1.</p>	<p>a need to seek a variance in front of the local Board of Appeals.</p> <p>Section 106.3.2 was going to be excepted out in R 408.30701 but the department decided to keep this in the rule set. This provision will provide an inspector an option to preliminarily inspect a work site, which gives more clarity than is provided in PA 230.</p>	
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13.Date report completed:

2/9/2021