

Michigan Office of Administrative Hearings and Rules
MOAHR-Rules@michigan.gov

**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:

Tony Williamson

Phone number of person completing this form:

517-241-9303

E-mail of person completing this form:

WilliamsonT5@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2022-55 LR

Title of proposed rule set:

Construction Code - Part 9A Mechanical Code

3. Purpose for the proposed rules and background:

The proposed rules will adopt by reference the 2021 edition of the International Mechanical Code (IMC), with amendments, deletions, and additions deemed necessary for use in Michigan. Part 9a. of the Construction Code currently adopts by reference the 2015 edition of the IMC, which is based on mechanical principals used in mechanical codes across the country. Part 9A also includes rules that amend the IMC to address mechanical practices that are specific to Michigan and delete those requirements in the IMC that do not pertain to Michigan because of the state's geographic and environmental features.

The proposed rules will provide the latest standards to protect the health and promote the safety and welfare of Michigan's residents by regulating the installation and inspection of mechanical equipment and systems within the state.

4. Summary of proposed rules:

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The proposed rules will adopt by reference the 2021 edition of the International Mechanical Code (IMC), with amendments, deletions, and additions deemed necessary for use in Michigan. Part 9a. of the Construction Code currently adopts by reference the 2015 edition of the IMC, which is based on mechanical principals used in mechanical codes across the country. Part 9A also includes rules that amend the IMC to address mechanical practices that are specific to Michigan and delete those requirements in the IMC that do not pertain to Michigan because of the state's geographic and environmental features.

The proposed rules will provide the latest standards to protect the health and promote the safety and welfare of Michigan's residents by regulating the installation and inspection of mechanical equipment and systems within the state.

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

The Morning Sun - Published on July 27, 2023.
The Oakland Press - Published on July 27, 2023.
The Mining Journal - Published on July 27, 2023.

6. Date of publication of rules and notice of public hearing in Michigan Register:
8/15/2023

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

8/22/2023 01:00 PM at Michigan Library & Historical Center. First Floor Forum , Michigan Historical Center, 702 W Kalamazoo St, Lansing, MI 48915

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/RFRTransaction?TransactionID=1414>

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

Mr. Tony Williamson, Departmental Analyst, Bureau of Construction Codes.
Ms. Katherine Place, Departmental Analyst, Bureau of Construction Codes.
Mr. Kevin Kalakay, Chief Mechanical Inspector, Bureau of Construction Codes.
Mr. Matthew Gay, Lead Mechanical Inspector, Bureau of Construction Codes.
Ms. Tracie Pack, Manager, Building Trades Section, Bureau of Construction Codes.
Mr. Bryan Bryson, Manager, Administrative Section, Bureau of Construction Codes.

10. Persons submitting comments of support:

No persons submitted comments in support of the proposed rules.

11. Persons submitting comments of opposition:

No persons submitted comments in opposition of the proposed rules.

12. Persons submitting other comments:

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Thomas Deary (Air-Conditioning, Heating, and Refrigeration Institute).
 William Hordyk (Metro Building Inspectors Association of Greater Grand Rapids).
 Ronald Shughart (Rheem Manufacturing Company).
 Roger Papineau (Representing Self).
 Dustin Howard (UA Local 333).
 M.J. D'Smith (Michigan Air Conditioning Contractor's Association)

13. 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 Rule Change and Description of Change(s) Made	Rule number & citation changed
1	Thomas Deary (Air-Conditioning, Heating, and Refrigeration Institute)		Thomas Deary proposed that Chapter 15 Reference Standards: ASHRAE 15-2022, ASHRAE 34-2022, UL/CSA 60335-2-40-2022 and UL/CSA 60335-2-89-2021 should be included within the Mechanical Draft.	The Agency accepts Mr. Deary comments in full and agree that adding Chapter 15 Reference Standards will be in Michigan codes and public best interest.	R 408.30901a (3)

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2	Roger Papineau		<p>Mr. Papineau Submitted the following comments in writing that the agency corrects a drafting error in the proposed Rules for Construction Code - Part 9A Mechanical Code Rule Set 2022-55 LR. He recommends that the language in R 408.30905a Definitions Subdivision (b). "The Michigan Uniform Energy Code" be changed to reflect "Michigan Energy Code."</p>	<p>The Agency supports the editorial change correcting the language in R 408.30905a(b) Definitions: The Michigan Uniform Energy Code" be changed to reflect "Michigan Energy Code" bringing the language up to date.</p>	R 408.30905a (b)
3	William Hordyk (Metro Buidling Official)		<p>Mr. Hordyk proposed that R 408.30935a does not identify a section to be added and no section number is given in the text.</p>	<p>The Agency supports the recommended change to R 408.30935a. The agency agrees to correct R 408.30935a by adding 507.6.1.1 Capture and Containment procedure and correcting section the field test identified in section 507.6.1.1 to 507.6.1.</p>	R 408.30935a

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4	Thomas Deary (Air- Conditioning, Heating, and Refrigeration Institute)		Thomas Deary proposed that Section 1101.1.1 Refrigerants other than Ammonia should be included within the Mechanical Draft.	The Agency accepts Mr. Deary comments in full and agree that adding section 1011.1.1 will be in Michigan codes and public best interest.	R 408.30947b
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14. Date report completed:

10/19/2023