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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODE

PUBLIC HEARING
Administrative Rules for Construction Code
Part 9A Mechanical Code
702 West Kalamazoo Street, Lansing, Michigan
Tuesday, August 22, 2023, 1:00 p.m.

BUREAU OF CONSTRUCTION CODES MEMBERS

MATTHEW GAY
TONY WILLIAMSON
KEVIN KALAKAY
KATHERINE PLACE
TRACIE PACK
BRYAN BRYSON

RECORDED BY: Eric R. Johnston, CER 9267
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1 Lansing, Michigan

2 Monday, August 22, 2023 - 1:07 p.m.

3 MR. WILLIAMSON: Good afternoon. My name is Tony
4 Williamson. I am a Departmental Analyst for the Bureau of
5 Construction Codes and the Department of Licensing and
6 Regulatory Affairs, and I will be conducting the hearing
7 today. This is a public hearing on proposed administrative
8 ruled entitled "Part 9A Mechanical Code-Rule Set 2022-55."
9 We are conducting this hearing under the authority of the
10 Administrative Procedure Act, Public Act 306 of 1969 on
11 behalf of the Department of Licensing and Regulatory
12 Affairs, Bureau of Construction Codes.

13 We are calling this hearing to order at 1:07 p.m.
14 on August 22nd, 2023, at the Michigan Library & Historical
15 Center, First Floor Forum, 702 West Kalamazoo Street, in
16 Lansing, Michigan 48915. Publication of the notice of
17 public hearing was in the Morning Sun and the Oakland Press
18 on July 27th, 2023, and the Mining Journal on July 28, 2023.
19 These papers are newspapers of general circulation. The
20 notices were also published in the Michigan Register, Issue
21 number 14-2023, on August 15, 2023.

22 We are here today to receive the comments on the
23 proposed rules. If you wish to speak, please do so within
24 the allowed three minutes and make sure you have signed in
25 indicating that you wish to speak. You may use the cards

1 provided for this purpose. If you would like to speak and
2 have not signed in, please do so now. For those of you who
3 do not wish to sign in with a card, you may speak at the
4 microphone once we have exhausted the cards submitted to me.

5 If you have comments, please make sure that they
6 relate directly to the proposed rules. If you have
7 questions about the rules, please include your question as
8 part of your testimony for the Department's review. If you
9 have suggested changes to the proposed rules, please include
10 the specific reasons why changes would be in the public
11 interest.

12 Please note, if you have already submitted
13 comments to the Department in writing or by email, those
14 comments will be considered in the same manner as the
15 comments made during the public hearing today.

16 For those making comments today, please clearly
17 state and spell your name for the record. And if you are
18 speaking on behalf of an organization, please identify that
19 organization as well.

20 If you have written comments, you may submit them
21 directly to me. The Department will also accept written
22 comments postmarked or emailed until 9-5 of 2023 at 5:00
23 p.m. Thank you.

24 The first person we'd like to call is Tom Deary.
25

STATEMENT

BY THOMAS DEARY:

MR. DEARY: Thank you, Mr. Williamson. Thank you, Mr. Williamson and members of the board. My name's Thomas Deary. That's D-e-a-r-y. I'm with The Air-Conditioning, Heating, and Refrigeration Institute. Thank you for having us today. I'd like to propose the following amendment regarding the section 1101 or the 2021 International Mechanical Code, specifically 1101.1.1, Refrigerants Other Than Ammonia. We propose adding the following sentence at the end of paragraph one. And that sentence reads:

"Assistance using A2L refrigerants shall comply with ASHRAE 15."

Supporting that, in chapter 15 of standards, we propose updating the following standards, ASHRAE 15, Safety Standard for Refrigeration Systems, and ASHRAE 34 Designation and Safety Classification for Refrigerants, both to the 2022 edition, and also ULCSA 6335-2-40, Household and Similar Electrical Appliances Safety, Part 240, Particular Requirements for Electrical Heat Pumps, Air Conditioners, and Dehumidifiers. And ULCSA 6335-2-89, Household and Similar Electrical Appliances Safety, Part 2-89, Particular Requirements for Commercial Refrigerating Appliances Within Incorporated or Remote Refrigerant Due to the Compressor.

Both of these we are proposing to update to their

1 current editions, -2-40, the 2022 edition, and -2-89, the
2 2021 edition.

3 And our substantiation for those changes is that
4 manufacturers are transitioning away from UL 1995 to UL
5 6335-2-40 for new products because UL 1995 will be withdrawn
6 by UL effective 1-1-2024. The newest fourth edition of UL
7 6335-2-40 published in December of 2022 has many new
8 requirements for electrical and refrigerant safety
9 certification, and laboratories will use the latest version
10 of the UL 6335-2-40 Safety Standard for Certification
11 Testing.

12 With the change to low-gwp refrigerants the
13 mechanical code needs to be updated to be updated to address
14 the use of low-gwp refrigerants in high probability systems.
15 All of these commonly used low-gwp refrigerants fall
16 directly in the category between group A2L and 2022 edition
17 of ASHRAE 34 and ASHRAE 15. As such, reference to the 2021
18 edition of this standard is also included in this proposal
19 as approved by the ICC for the forthcoming 2024 IMC. Thank
20 you.

21 MR. WILLIAMSON: Thank you. Now we call M.J.
22 D'Smith.

23 STATEMENT

24 BY M.J. D'SMITH:

25 MS. D'SMITH: Good afternoon. I am M.J. D'Smith,

1 D--Smith. I'm with the Michigan Air Conditioning
2 Contractors Association. And we did submit written comment.
3 I'm just here today to continue to support our written
4 comment, especially on the following in regards to the 2021
5 International Mechanical Code, Section 603.9, and accepting
6 the new exemption, Section 1102.3, deletion of Access Port
7 Protection, and Section 1101.9, deletion of Blocking Access
8 Port Caps.

9 So we have submitted everything. I just wanted to
10 thank you for your consideration and allowing us the
11 opportunity to comment on that. That's all I have today.

12 MR. WILLIAMSON: Thank you. Bill Hordyk?

13 STATEMENT

14 BY WILLIAM HORDYK:

15 MR. HORDYK: Hello. My name is William (Bill)
16 Hordyk, H-o-r-d-y-k. I'm a registered building official in
17 the State of Michigan, serving the community of Grand
18 Rapids. I also have 20 national certifications and the
19 International Code Council, including master code
20 professional. I come to you duly elected by the Metro
21 Building Inspectors Association of Greater Grand Rapids to
22 speak on their behalf regarding these matters. The Metro
23 Building Association is a group of 130 registered building
24 officials and inspectors performing their duties for over 70
25 different delegating authorities in the State of Michigan.

1 I'm starting with rule 901a. The strike and bold
2 text of rule 901a is incorrect. It does not include all the
3 text from the current rule as written in Michigan
4 Administrative Code. The current text of rule 901a
5 references section 103.2, 103.4, 106.5.1 to 106.5.3,
6 107.2.5, 107.2.5.3, and 109.2 to 109.7. None of that text
7 appears in the proposed rules to as remain or to be struck.
8 The proposed text also adds Section 103.1 to the text, but
9 does not bold the reference in which it would indicate the
10 section was listed within the current rule. It is not.

11 It is proposed to strike Section 104.8 and
12 104.8.1. We request a reasoning to why the Bureau would be
13 removing protections for the code official from the health
14 code language. The code language that pertains to annual
15 permits, 106.1.1 and 106.1.2 should be retained or simply
16 modified to match the current language that is in the 2015
17 Michigan Code language.

18 Rule 905a, definition for action, not be written
19 into the code language. There are references within the
20 established rules and those draft rules that reference
21 different public acts of Michigan, such as the Skilled
22 Trades Regulation Act, the Occupational Code, the Adult
23 Foster Care licensing Act, as well as the
24 Stille-DeRossett-Hale Single State Construction Act. Where
25 any of the acts referenced within code language, it is, and

1 properly so, identified using its full name.

2 Public Act 230. I mentioned its name. The
3 Single -- the Stille-DeRossett-Hale Single State
4 Construction Act within the act. It does not need to be
5 redefined in code language, which is subordinate to the act.
6 Cold weather months should not be added to the definition.
7 The language used here should instead be added to the code
8 section that's intended to be modified, that being 309.1.

9 The definition of "Occupidal Space," which is --
10 should not be changed within the mechanical code. The term
11 is used throughout the codes with a common definition.
12 Changing the definition here could confuse the requirements
13 from other model codes for application to the spaces
14 mentioned. An alternative for redefining "occupidal space,"
15 the desired exceptions to it should be identified in 309.1,
16 which is the section you intend to modify of the Mechanical
17 code.

18 Rule 906a, the proposed changes, the proposed
19 changes to Section 106.3.1 should be renumbered to occur
20 within the section applicable to construction documents in
21 the model code, that being Section 107. As it stands, the
22 drafting of the --

23 MR. WILLIAMSON: Time, sir.

24 MR. HORDYK: Okay.

25 MR. WILLIAMSON: If you wish to provide us with

1 documents, you can. Thank you.

2 MR. HORDYK: Thank you.

3 MR. WILLIAMSON: If there is no further comments
4 at this time, I hereby declare this hearing closed. The
5 record will remain open until today at 5:00 p.m. for any
6 other comments you may wish to share about the proposed
7 rules. Thank you for attending.

8 (Hearing concluded at 1:17 p.m.)

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CERTIFICATE

I, Eric R. Johnston, a Certified Electronic Recorder and Notary Public within and for the State of Michigan, do hereby certify:

That this transcript, consisting of 10 pages, is a complete, true, and correct record of the Public Hearing regarding Administrative Rules Part 9A Mechanical Code, held on August 22, 2023.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am not interested in the outcome of this matter, financial or otherwise.

IN WITNESS THEREOF, I have hereunto set my hand this 29th day of August, 2023.



Eric R. Johnston, CER 9267
Notary Public, State of Michigan
County of Lapeer
My commission expires: 8/23/2029