

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:

2019-131 LR

Title of proposed rule set:

Part 9 Mechanical Code Rules

3. Purpose for the proposed rules and background:

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The proposed rules will adopt by reference the 2018 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 that 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.

Adoption of the 2018 edition of the IMC 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:

The proposed rules will adopt by reference the 2018 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 that delete those requirements in the IMC that do not pertain to Michigan because of the state's geographic and environmental features.

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 area: 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:

8/27/2020 09:00 AM at Zoom , [https://zoom.us/j/92177771834?](https://zoom.us/j/92177771834?pwd=RUdXOXpheWw5QlJLbGFkMGhPVVpWQT09)

[pwd=RUdXOXpheWw5QlJLbGFkMGhPVVpWQT09](https://zoom.us/j/92177771834?pwd=RUdXOXpheWw5QlJLbGFkMGhPVVpWQT09)

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=117>

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

- Amanda Johnson- Analyst of BCC,

-Tony Snyder- Administrative Law Specialist for BCC

-Kevin Kalakay- Manager of Mechanical Division of BCC

-Alesha Gensler- Deputy Director of BCC

10. Persons submitting comments of support:

None

11. Persons submitting comments of opposition:

Bill Hordyk- Representing himself and the Metro Building Inspector of Greater Grand Rapids.

Mr. Hordyk inquired why the department deleted the following sections of the Mechanical Code: 103.1, 103.3, 104.2, 104.5, 104.6, 104.7, 106.3, 106.3.3, 106.4.5, 106.5, 108.3, 108.5, 109.1, and 1102.3.

Below are the reasonings why the following sections were deleted from the Mechanical Code:

The following section exceeds the scope of PA 230: 106.3.3.

The following sections are provided for in PA 230: 103.1, 103.3, 104.2, 104.5, 104.6, 104.7, 106.3, 106.4.5, 106.5, 108.3, 108.5, and 109.1.

The following provision is removed because it references another Code provision which is being removed: 1102.3.

Phil Forner- General Public

Mr. Forner inquired why the department is deleting 109.1 to 109.7, and 106.3.1. The amount of piping footage and number of fittings for an exempt from a permit with provision 106.2.

Below is the reasoning for the department's changes:

The following provision continues to be removed, as has been in the past, to minimize costs to the citizens of Michigan: 106.2.

The following provision relates to residential builders; however, this Code is for commercial builders: 106.3.1.

The following provisions are provided for in PA 230: 109.1 to 109.7.

M.J.D'Smith- MIACCA

Mrs. M.J. D'Smith inquired about the one- two person dwelling in provision 106.2, the deletion of 106.3.1 and 109.1 to 109.7.

The following provisions continues to be removed, as has been in the past, to minimize costs to the citizens of Michigan: 106.2.

The following provision relates to residential builders; however, this Code is for

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commercial builders: 106.3.1.

The following provisions are provided for in PA 230: 109.1 to 109.7.

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 103.4 and 103.4.1 were being deleted/ amended from the ruleset.</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 Mechanical 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</p>		<p>103.4: This provision was going to be deleted from the new rule set, but after review of Mr. Hordyk's written comment the Bureau decided to keep it in the rule set.</p> <p>103.4.1: This provision was going to be deleted from the new rule set, but after review of Mr. Hordyk's written comment the Bureau decided to keep it in the rule set.</p>	103.4 103.4.1

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		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 Mechanical Code : 103.1 to 103.4.1, 104.2, 104.5, 104.6, 104.7, 106.3, 106.3.3, 106.4.5, 106.5, 108.3, 108.5, 109.1, and 1102.3.		
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13.Date report completed:

2/4/2021