

Administrative Rules for Construction Code

# **PUBLIC HEARING PART 10A**

February 22, 2024



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13	Thursday, February 22, 2024, 1:01 p.m.
12	702 West Kalamazoo Street, Lansing, Michigan
11	Administrative Rules for Construction Code - Part 10a, Michigan Energy Code Rule Set 2021-49 LR
10	PUBLIC HEARING
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3	BUREAU OF CONSTRUCTION CODES
2	DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
1	STATE OF MICHIGAN

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Lansing, Michigan 1 2 Thursday, February 21, 2024 - 1:01 p.m. 3 MR. WILLIAMSON: Good afternoon, everybody. All 4 We will now proceed with start of the public right. hearing. My name is Tony Williamson. I am a departmental 5 б analyst for the Bureau of Construction Codes in the 7 Department of Licensing and Regulatory Affairs, and I will 8 be conducting this hearing today. This is a public hearing on proposed 9 administration of rules entitled "Part 10a Michigan Energy 10 11 Code - Rule Set 2021-49 LR." We are conducting this hearing 12 under the authority of the Administrative Procedure Act, 13 Public Act 306 1969, on behalf of the Department of 14 Licensing and Regulatory Affairs, Bureau of Construction 15 Code. 16 We are -- we are calling this hearing to order at 17 1:02 p.m. today on February 22nd, 2024, at the Michigan 18 Library & Historical Center, First Floor Forum, 702 West 19 Kalamazoo Street, Lansing, Michigan 48915. Notice of public 20 hearing was published in the Michigan Register, Issue 21 2-2024, on February 15th, 2024, and the following 22 newspaper -- and in the following newspaper of general 23 circulation: The Morning Sun and the Oakland Press on 24 February 1st, 2024; and the Mining Journal on January 31st, 25 2024.



1 Please know, we are here today to receive comments 2 or suggestions on the proposed rules. Please make sure that 3 they relate directly to the proposed rules and the reasons 4 why the changes will be in the public interest. If you wish 5 to speak, make sure you have signed in and indicated that you wish to speak. We will call on speakers in the order in 6 7 which names are listed on the sign-in sheets. Each speaker 8 is limited to three minutes and only allowed one time to 9 speak during the public hearing.

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

14 If you have already submitted comments to the 15 Department in writing or by e-mail, those comments will be 16 considered in the same manner as the comments made during 17 the public hearing today. If you have written comments, you 18 may submit them directly to me. The Department will also 19 accept comments postmarked or e-mailed until 2-22-2024 at 5:00 p.m. Thank you. 20 21 All right. Sonya Pouncy.

SONYA POUNCY

MS. SONYA POUNCY: Good afternoon. My name is Sonya Pouncy, S-O-N-Y-A, P as in Paul, O-U-N as in Nancy, C as in cat, Y. I am here speaking on behalf of the Detroit



22

1 Chapter of ASHRAE. 2 The U.S. Department of Energy has established that 3 the IECC shall serve as the national model for energy 4 performance for residential buildings and that ASHRAE met 5 standard 90.1, shall serve as the model for the energy 6 performance of commercial buildings. The current Michigan 7 Energy Code is aligned with this. It uses the IECC as the 8 basis for residential buildings and the ASHRAE 90.1 as the 9 basis for commercial buildings. However, it does use the 10 IECC for certain administrative provisions. 11 However, the proposed new code would depart from 12 this precedent by allowing the IECC and the ASHRAE standard 13 to be used for the prescriptive and performanced technical 14 provisions for commercial buildings. This would exacerbate 15 confusion in the marketplace as the commercial engineering 16 community tends to design commercial buildings to meet the 17 ASHRAE standard, but code officials might be trained on the 18 IECC and then would be challenged with evaluating compliance 19 for buildings that are largely designed to meet the ASHRAE 20 standard.

To eliminate the risk of confusion in the marketplace, the Detroit Chapter of ASHRAE encourages this body to continue its alignment with the national model by basing the prescriptive and performanced technical provisions for commercial buildings solely on ASHRAE



1	standard 90.1 and limiting the use of the IECC to
2	residential buildings and certain administrative provisions.
3	Thank you.
4	MR. WILLIAMSON: Thank you. Jan Culbertson.
5	JAN CULBERTSON
б	MS. JAN CULBERTSON: Good afternoon. I am Jan
7	Culbertson, J-A-N C-U-L-B-E-R-T-S-O-N, and I am here
8	representing two organizations: AIA Michigan and the
9	Michigan 2030 Districts.
10	Both AIA Michigan and the Michigan 2030 Districts
11	support adoption of the proposed Michigan Energy Code Part
12	10a with the inclusion of IEC Appendix CC. We note that
13	Appendix CB is an important addition from the last draft,
14	however, including Appendix CC will improve building
15	efficiency, resilience, and is now easier to implement due
16	to recent legislation and utility renewable power programs.
17	On onsite energy with regard to building
18	efficiency, it is, if you look at the source energy, then
19	doing onsite renewable energy has a power, a multiplier at
20	source energy for regular utility is 2.8 and 1.0 for onsite.
21	So essentially you are having to power up 2.8 times for
22	utility power.
23	Appendix CC, we want to clarify, does not require
24	all electric buildings. It does require that the total
25	energy use of the building, whether natural gas or



1 electricity, be procured from renewal sources. And we want 2 the -- we have a specific proposal, a roundtable 1.3.3.3 and 3 providing ways this procurement can be met. 4 And I want to also highlight that since the last 5 energy code public hearing, the distributed energy cap has been increased from 1 to 10 percent and the amount of onsite 6 7 solar generation has been increased to 110 percent of the 8 building's annual energy use, enabling larger systems; and 9 system size eligible for the distributed generation program has been increased from 150 kilowatts to 550 kilowatts. 10 11 Again, enabling larger systems for larger users. 12 So we support adoption of this code including 13 Appendix CB and CC. Thank you. 14 MR. WILLIAMSON: Thank you. Grace Michienzi. 15 GRACE MICHIENZI 16 MS. GRACE MICHIENZI: Hi. My name is Grace 17 Michienzi, it's G-R-A-C-E M-I-C-H-I-E-N-Z-I. I'm the senior 18 director of policy at the Michigan Energy Innovation Business Council or Michigan EIBC. We're a trade 19 organization representing over 160 companies across a full 20 21 range of advanced energy industries. 22 Updating our building codes is one of the greatest 23 tools the state of Michigan holds to make necessary 24

advancements in energy efficiency and other energy

technologies in the state. Because of this, Michigan EIBC



25

strongly supports LARA's decision to include significant and
 necessary energy efficiency improvements in the commercial
 code.

The 2021 commercial code aligns closely with 4 5 ASHRAE 2019. And according to an analysis from PNNL, this update is cost effective for Michigan. For the average 6 7 commercial building required to be built to these improved 8 standards, the research found that the simple payback in 9 Michigan would be immediate when considering reduced energy 10 costs. Additionally, the analysis found that the average 11 life cycle cost savings which balances incremental costs of 12 construction against longer term energy savings over a 13 30-year period of implementing this commercial energy code 14 update is \$4.22 per square foot for publicly owned buildings 15 and \$3.70 per square foot for privately owned buildings.

16 Implementing the updated commercial energy code 17 will save Michigan businesses and renters in larger 18 multi-family housing units money on their energy bills, 19 continue to support the growing industry and energy 20 efficiency, and advance the work in future proofing 21 Michigan's building stock.

In addition to supporting these necessary updates to the energy code, Michigan EIBC encourages LARA to consider additional readiness amendments in ensuring Michigan continues on track toward future proofing or



1	building stock. These include EV charging, nominal solar
2	requirements, and energy storage readiness which all help to
3	establish Michigan's electrified future. The details of
4	those amendments can be found in our written comments which
5	we submitted via e-mail.
6	Finally, upon the conclusion of the 2021 update,
7	Michigan EIBC strongly encourages LARA to move quickly to
8	open both the commercial and residential energy codes again
9	for the 2024 update. Following a number of delays and
10	updating to the 2021 code, it's critical that Michigan move
11	toward updating on a regular three-year code cycle to
12	continue to build new homes and buildings that reduce energy
13	bills for Michigan homeowners and businesses. Thank you.
14	MR. WILLIAMSON: Thank you.
15	TIM MAZROWSKI
16	MR. TIM MAZROWSKI: Tim Mazrowski, architect in
17	Michigan, and I have just two amendments. So I'm very
18	supportive of adopting the new energy code. I think my
19	preference would be to adopt the ASHRAE 90.1 2019 in lieu of
20	the IECC 2023 because that's what most of us are familiar
21	with and in practicality probably or in the real world
22	probably most people will continue to use ASHRAE. However,
23	I'm not opposed to either one.
24	So I have two amendments. One is to retain an

25 amendment or when we adopted the most recent energy code



that became effective in 2017, we had an exception under the 1 2 envelope alterations that would exempt a -- an existing roof 3 when there was a roof re-covering project if it had R-20 insulation in lieu of going to R-30. And so that exception, 4 5 our committee -- I was on the revision committee -- we worked hard on that exception because we recognized that 6 7 certain buildings, existing buildings, schools, for example, 8 may have an existing roof with a lot of rooftop mechanical 9 equipment or parapets or flashings and that going to R-30 10 requires an increase in insulation thickness and in some 11 instances -- it would be rare, but in some instances that 12 would require a lot of improvements, maybe raising 13 mechanical curbs or skylight curbs or flashings and so forth 14 that have nothing to do with energy, but would be triggered by increasing the insulation thickness. So what this would 15 be would be a continuation of that exception and what I 16 17 provided, that one little phrase here which would make it 18 clear that the building or the authority having jurisdiction 19 would have to receive information and would then make a determination of whether that building was exempt from that 20 21 requirement.

And then the second one is to maintain our existing vestibule exception language and so I've written this up here. But in the -- the current exception language there are a number of exceptions. Some of them are similar



to the ASHRAE 2019, and some are similar to the ASHRAE IECC
 2021, but there are a few that we put in specifically in
 2017.

4 One was to clarify under the IECC 2021, it would appear that employee doors would be exempt from the -- from 5 having to put in a vestibule. And so we recognized that 6 7 there are a significant number of facilities -- warehouses, 8 distribution centers, processing centers, manufacturing 9 facilities -- where employees enter through their own entrance. And the IECC language uses the phrase the 10 11 "public." And so because an employee entrance is not a 12 public entrance, it would appear that that would be exempt 13 from requirements to -- to have a vestibule, yet there could 14 be a significant number of door openings in those large 15 facilities. So that was one.

Also in 2017 we had language -- whoops. I'm done.
I have it written here. All right.

18

19

MR. WILLIAMSON: Thank you, sir.

MR. TIM MAZROWSKI: Okay. Thank you. Yep.

20 MR. WILLIAMSON: That now conclude our list of 21 sign-in speakers. We will proceed with the closing of the 22 hearing. If there are no further comments at this time, I 23 hereby declare the hearing closed. The record will remain 24 open until 2-22 of 2024 at 5:00 p.m. for any other comments 25 you may wish to share about the proposed rules. Thank you



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	(Proceedings	concluded	at	1:15	p.m.)
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1	CERTIFICATE
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3	
4	I, Marcy A. Klingshirn, a Certified Electronic Recorder
5	and Notary Public within and for the State of Michigan, do
6	hereby certify:
7	That this transcript, consisting of 13 pages, is a
8	complete, true, and correct record given in this case on
9	February 22, 2024, and that the witnesses were duly sworn to
10	tell the truth.
11	I further certify that I am not related to any of the
12	parties to this action by blood or marriage; and that I am
13	not interested in the outcome of this matter, financial or
14	otherwise.
15	IN WITNESS THEREOF, I have hereunto set my hand this
16	23rd day of February, 2024.
17	
18	
19	Marcy a. Klingshin
20	,
21	
22	Marcy A. Klingshirn, CER 6924
23	Notary Public, State of Michigan County of Eaton
24	My commission expires: March 30, 2029
25	
	<b>ESQUIRE</b> BOO.211.DEPO (3376) EsquireSolutions.com

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# PUBLIC HEARING PART 10A

Administrative Rules for Construction Code

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