

In the Matter Of:

Administrative Rules for Construction Code

PUBLIC HEARING PART 10A

February 22, 2024



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

PUBLIC HEARING
Administrative Rules for Construction Code - Part 10a,
Michigan Energy Code Rule Set 2021-49 LR
702 West Kalamazoo Street, Lansing, Michigan
Thursday, February 22, 2024, 1:01 p.m.

RECORDED BY: Marcy A. Klingshirn, CER 6924
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Firm Registration Number 8035

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APPEARANCES:

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1 Lansing, Michigan

2 Thursday, February 21, 2024 - 1:01 p.m.

3 MR. WILLIAMSON: Good afternoon, everybody. All
4 right. We will now proceed with start of the public
5 hearing. My name is Tony Williamson. I am a departmental
6 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.

9 This is a public hearing on proposed
10 administration of rules entitled "Part 10a Michigan Energy
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 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 performed 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.

21 To eliminate the risk of confusion in the
22 marketplace, the Detroit Chapter of ASHRAE encourages this
23 body to continue its alignment with the national model by
24 basing the prescriptive and performed technical
25 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

6 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
6 been increased from 1 to 10 percent and the amount of onsite
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
10 has been increased from 150 kilowatts to 550 kilowatts.
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 MICHIEZI

16 MS. GRACE MICHIEZI: 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
19 Business Council or Michigan EIBC. We're a trade
20 organization representing over 160 companies across a full
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
25 technologies in the state. Because of this, Michigan EIBC

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

4 The 2021 commercial code aligns closely with
5 ASHRAE 2019. And according to an analysis from PNNL, this
6 update is cost effective for Michigan. For the average
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.

22 In addition to supporting these necessary updates
23 to the energy code, Michigan EIBC encourages LARA to
24 consider additional readiness amendments in ensuring
25 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

1 that became effective in 2017, we had an exception under the
2 envelope alterations that would exempt a -- an existing roof
3 when there was a roof re-covering project if it had R-20
4 insulation in lieu of going to R-30. And so that exception,
5 our committee -- I was on the revision committee -- we
6 worked hard on that exception because we recognized that
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
15 by increasing the insulation thickness. So what this would
16 be would be a continuation of that exception and what I
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
20 determination of whether that building was exempt from that
21 requirement.

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

1 to the ASHRAE 2019, and some are similar to the ASHRAE IECC
2 2021, but there are a few that we put in specifically in
3 2017.

4 One was to clarify under the IECC 2021, it would
5 appear that employee doors would be exempt from the -- from
6 having to put in a vestibule. And so we recognized that
7 there are a significant number of facilities -- warehouses,
8 distribution centers, processing centers, manufacturing
9 facilities -- where employees enter through their own
10 entrance. And the IECC language uses the phrase the
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.

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

18 MR. WILLIAMSON: Thank you, sir.

19 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

1 for attending.

2 (Proceedings concluded at 1:15 p.m.)

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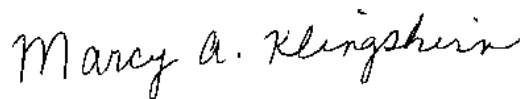
CERTIFICATE

I, Marcy A. Klingshirn, a Certified Electronic Recorder and Notary Public within and for the State of Michigan, do hereby certify:

That this transcript, consisting of 13 pages, is a complete, true, and correct record given in this case on February 22, 2024, and that the witnesses were duly sworn to tell the truth.

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 23rd day of February, 2024.



Marcy A. Klingshirn, CER 6924
Notary Public, State of Michigan
County of Eaton
My commission expires: March 30, 2029

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