

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:

2021-48 LR

Title of proposed rule set:

Construction Code - Part 10. Michigan Uniform Energy Code

3. Purpose for the proposed rules and background:

The Michigan Uniform Energy Code residential energy rules currently adopt the 2015 International Energy Conservation Code (IECC). The current rules are outdated and require a revision to reflect the latest in technology and materials.

4. Summary of proposed rules:

The proposed rules provide the latest standards to protect the health and promote the safety and welfare of the State of Michigan residents by regulating the installation and inspection of energy within the state.

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

The Morning Sun on February 1, 2024.

The Oakland Press on February 1, 2024.

The Mining Journal on January 31, 2024.

6. Date of publication of rules and notice of public hearing in Michigan Register:

2/15/2024

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

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2/22/2024 09:00 AM 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=1306>

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

Tony Williamson, Rules Analyst, Bureau of Construction Codes
Shannon Maurer, Manager, Bureau of Construction Codes
Tracie Pack, Manager, Bureau of Construction Codes
Alesha Gensler, Division Director, Bureau of Construction Codes
Jonathan Paradine, Division Director, Bureau of Construction Codes
Keith Lambert, Deputy Director, Bureau of Construction Codes
Andrew Brisbo, Director Bureau of Construction Codes

10. Persons submitting comments of support:

Carlee Knott, Environmental Council (20 Recipients Signed in support of same comments.)
Claire McKenna, UM Center for Sustainable System Code Hearing
Dr. Gregory Keoleian, University of Michigan
Dr. Joshua Newell, University of Michigan
Shoshannah Lenski, University of Michigan
Eric Lacey, Responsible Energy Codes Alliance (RECA)
Grace Michienzi, Senior Dir. Michigan Energy Innovation Business Council (EIBC)
Jami Des Chenes, Michigan Chemistry Council
Jane McCurry, Clean Fuels Michigan
Jason Vandever, North American Insulation Manufacturers Association (NAIMA)
Jeffrey Mang, Polyisocyanurate Insulation Manufacture Association (PIMA)
Justin Koscher, Polyisocyanurate Insulation Manufacture Association (PIMA)
Jose Reyna, GreenHouse Institute
Lauren Reeg Rocky Mountain Institute (RMI)
Mike Berkowitz, Elevate
Joshua Lynch, Home Ventilating Institute (HVI)
Jacki Donner, Home Ventilating Institute (HVI)

11. Persons submitting comments of opposition:

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Amanda Fisher, National Federation of Independent (NFIB)
Isabella Gross, Midwest Energy Efficiency Alliance (MEEA)
Paige Knutsen, Midwest Energy Efficiency Alliance (MEEA)
James Babcock, Representing Self
James Goriesky, Representing Self
John Olson, Representing Self
Luke Albrecht, Representing Self (The Bureau received 130 duplicated emails)
Mark LeVasser, Representing Self (The Bureau received 154 duplicated emails)
Matthew Cole, Representing Self
Paul Aragona, Representing Self (The Bureau received 271 duplicated emails)
Robert Filka, CEO Home Builders Association of Michigan
Andy Kosick, President, Home Builders Association of Michigan
Lee Schwartz, Home Builders Association of Michigan
Holly Stockley, Representing Self

12. Persons submitting other comments:

Nathaniel Love, American Chemistry Council
Amy Schmidt, American Chemistry Council
Chris McTaggart, Dream DET
Sonya Pouncy, Representing Self.
Don Nelson, DR Nelson & Associates
Keith Nelson, DR Nelson & Associates
Jan Culbertson, AIA Michigan & MI 2030 Districts

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

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	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	Jan Culbertson (AIA Michigan & MI 2030 Districts)	Jan Culbertson supports the adoption of the proposed Michigan Uniform Energy Code, Part 10 with the inclusion of IECC Appendix RC.		<p>Removing “, and Appendix RC,” adding “and” before appendix RA.</p> <p>Adding statement “The provisions contained in Appendix RB are specifically adopted and authorized as mandatory requirements. The provisions contained in Appendix RC are specifically adopted and authorized as permissive guidelines and shall not be mandated by an enforcing agency.”</p>	R 408.31059

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2	Robert Filka, Home Builders Association of Michigan, (HBA)		Robert Filka proposed that R 408.31069 Air Leakage be amended.	<p>The Agency is moving forward with the following recommendations suggested by Robert Filka as follows:</p> <p>Un-rescinded R 408.31069 Air Leakage except for sections: R402.4, R402.4.1, R402.4.1.1, R402.4.1.2, R402.4.2, R402.4.3, R402.4.4, and Table R402.4.1.1</p> <p>Added language "Section R402.4.6 of this code is amended to read as follows:"</p> <p>Added language " R402.4.6 Electrical and communication outlet boxes (air-sealed boxes). Electrical and communication outlet boxes installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces."</p>	R 408.31069
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14.Date report completed:
7/11/2024