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August 27, 2020

LARA

Bureau of Construction Codes

Via Email: LARA-BCC-Rules@michigan.gov

Re: Part 9a. Mechanical Code (ORR# 2019-131 LR)

To Whom it May Concern;

The Michigan Air Conditioning Contractors Association (MIACCA), would like to submit the following written testimony in regards to the proposed Part 9a. Mechanical Code changes.

Miacca objects to the proposed deletion of the current exemption found in the Rule R 408.30906a. Allowing the average one- and two-family dwelling to continue to be exempt from having to submit sealed drawings for a mechanical permit is appropriate, as demonstrated since the State of Michigan agreed to the Stipulation Agreement filed in Ingham Circuit Court Case No. 97-87125-CZ, (Attached).

MIACCA also respectfully requests that the Bureau, for public safety reasons, rescind Administrative Rule R 408.30505(c)(xi) and require mechanical permits, gas leak testing and mechanical inspections by the third party authority having jurisdiction when gas meters are relocated in residences that includes gas piping after the meter being redone and or installed. If mechanical permits are required for other gas piping done in a residence, then so should the gas piping that needs to be done when relocating a gas meter. We sent to the Bureau a letter of request on February 1, 2020. (Attached)

Finally, in regards to Rules R408.30901.a and R408.30908.a, MIACCA respectfully requests that the Bureau will not delete the appeals process and make sure that the Michigan Mechanical Code (ORR# 2019-131 LR) have a stated appeals process.

Please feel free to contact me with any questions, or if you would like additional information.

Best Regards,

M.J. D'Smith

Executive Director

Encs.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

CECIL E. REINKE, a/k/a/ TED REINKE,
& NEW CONSTRUCTION AIR
CONDITIONING, INC., MICHIGAN
CHAPTER, AIR CONDITIONING
CONTRACTORS OF AMERICA
Plaintiffs,

Case No.: 97-87125-CZ ✓

HON. MICHAEL G. HARRISON

v

JOHN M. ENGLER, GOVERNOR OF THE
STATE OF MICHIGAN, KATHLEEN M.
WILBUR, DIRECTOR, DEPARTMENT OF
CONSUMER AND INDUSTRY SERVICES,
HENRY L. GREEN, DIRECTOR, BUREAU
OF CONSTRUCTION CODES, TENNISON
B. BARRY, CHIEF, MECHANICAL DIVISION,
BUREAU OF CONSTRUCTION CODES,
Defendants.

FILED

1998 SEP 25 A 11:19

MIKE BRYANTON
COUNTY CLERK
INGHAM COUNTY
30TH CIRCUIT COURT

STIPULATION

NOW COME Plaintiffs and Defendants, by counsel, and hereby stipulate and agree to entry of an Order dismissing the above action, with prejudice and without interest, costs, or attorney fees. As a condition of dismissing the above action, the parties stipulate and agree as follows:

1. The Defendants agree that the Bureau of Construction Codes will immediately modify its existing policy as to the requirements for the submission of mechanical plans and specifications.

Plans and specifications are not required for the following:

- a) One and two family dwellings when the heating system input rating is 375,000 BTU's or less.
- b) When alterations and repair work are determined by the mechanical official to be of a minor nature.
- c) Business, mercantile and storage buildings having HVAC equipment only, with one fire area and not more than 3,500 square feet.

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d) Work completed by a governmental subdivision or state agency costing less than \$15,000.

2. The parties agree that mechanical plans will continue to be required for all other building types and shall be prepared by or under the direct supervision of an architect or engineer licensed pursuant to Act No. 299 of the Public Acts of 1980, as amended and currently interpreted; and shall bear that architect's or engineer's signature and seal. Plans must be submitted before a permit can be issued.

3. The Defendants agree to publish notice of this change of policy in the November, 1998 edition of the Bureau of Construction Codes Bulletin and in a new Bureau of Construction Codes Technical Bulletin, a preview of which shall be accorded Plaintiffs for their input and discussion.. The Defendants also agree to publish notice of this change of policy on the Bureau of Construction Codes web site.

4. The Defendants agree that the Bureau of Construction Codes will modify its mechanical permit application to reflect this change in policy.

5. The parties agree this Stipulation is binding on their successors and that if the terms of this Stipulation are breached, the Plaintiffs may seek injunctive relief, actual attorney fees, and/or costs in a subsequent proceeding in this Court, and for such purposes agree that this Court retains jurisdiction.



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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

CECIL E. REINKE, a/k/a/ TED REINKE,
& NEW CONSTRUCTION AIR
CONDITIONING, INC., MICHIGAN
CHAPTER, AIR CONDITIONING
CONTRACTORS OF AMERICA

Case No.: 97-87125-AA

HON. MICHAEL G. HARRISON

Plaintiffs,

v

JOHN M. ENGLER, GOVERNOR OF THE
STATE OF MICHIGAN, KATHLEEN M.
WILBUR, DIRECTOR, DEPARTMENT OF
CONSUMER AND INDUSTRY SERVICES,
HENRY L. GREEN, DIRECTOR, BUREAU
OF CONSTRUCTION CODES, TENNISON
B. BARRY, CHIEF, MECHANICAL DIVISION,
BUREAU OF CONSTRUCTION CODES,

Defendants.

ORDER OF DISMISSAL

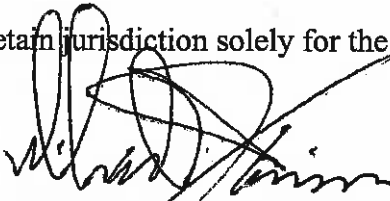
At a session of said Court, held in the Circuit Courtrooms, County of
Ingham, State of Michigan, on this 25th day of Sept., 1998.

PRESENT: THE HONORABLE MICHAEL G. HARRISON, Circuit Judge

This matter having come before the Court per the attached Stipulation and the Court being
otherwise fully informed in the premises;

IT IS HEREBY ORDERED AND ADJUDGED that this cause of action is dismissed with
prejudice pursuant to the terms of the attached Stipulation and this matter is DISMISSED with
prejudice and without an award of costs or attorney fees.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction solely for the purposes of
enforcing the terms of the parties attached Stipulation



Hon. Michael G. Harrison
Circuit Court Judge

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MICHIGAN

AIR CONDITIONING CONTRACTORS

ASSOCIATION

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February 1, 2020

Bureau of Construction Codes
PO Box 30254
Lansing, MI 48909

Re: Pending Rule 2019-118 LR Construction Codes Part 5. Residential Code – Chapters 1 and 2 –
Exempting gas utilities from mechanical permits when relocating gas meters

To Whom it May Concern:

The gas utility known as Consumers Energy Company has been ordered by the Michigan Public Service Commission in U-20569: In the matter, on the Commission's own motion, to require Consumers Energy Company to show cause why it should not be found in violation of Public Act 174 of 2013, the MISS DIG Underground Facility Damage Prevention and Safety Act, MCL 460.721 *et seq.* In this case Consumers Energy Company basically admits to violating the public trust of marking gas lines as required for safety reasons; as indicated in its proposed settlement agreement filed therein on December 20, 2019.

Given the violation of public trust by one of the largest gas utilities in the State of Michigan, MIACCA believes that it would be inappropriate for the Bureau of Construction Codes (Bureau) to continue promulgating the pending Administrative Rule R 408.30505(c)(xi) of the Michigan Residential Code; which states in relevant part:

R105.2. Work exempt from permit. Exemption from the permit requirements of the code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances of this jurisdiction. Permits are not required for any of the following:

...

(c) Mechanical permits shall not be required for any of the following:

...

(xi) When changing or relocating a gas meter or regulator, a permit is not required when installing gas piping which shall be limited to 10 feet (3 005 mm) in length and not more than 6 fittings.

Therefore given U-20569, MIACCA respectfully request that the Bureau, for public safety reasons, rescind Administrative Rule R 408.30505(c)(xi) and require mechanical permits, gas leak testing and mechanical inspections by the third party authority having jurisdiction when gas meters are relocated in residences that includes gas piping after the meter being redone and or installed. If mechanical permits are required for other gas piping done in a residence, then so should the gas piping done when relocating a gas meter.

Please feel free to contact me with any questions.

Best,

M.J. D'Smith
Executive Director

cc: LARA Director Orlene Hawks

Mr. Bill Hordyk's comment from the Public Hearing on 08/27/2020.

Administrative Rules for Part 9 Mechanical Code Rules
Rule Set 2019-131 LR

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 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

1102.3

August 27, 2020

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Services Division
Submitted electronically to: LARA-BCC-Rules@michigan.gov

RE: Phil Forner's written comments on the proposed Michigan Mechanical Code (ORR# 2019-131 LR)

To whom it may concern,

As a licensed mechanical contractor whose livelihood depends, in part, on Michigan having appropriate and reasonable codes, please accept this written testimony and requests for changing the proposed Michigan Mechanical Code (ORR# 2019-131 LR).

A. Proposed amendment to R R408.30901a – Deleting the stated mechanical appeal process

Rule 901a is proposing to adopt provisions of the 2018 International Mechanical Code (IMC) except among others, Sections 109.1 to 109.7, being the entire Section 109 Means of Appeal. The proposed Michigan Mechanical Code (ORR# 2019-131 LR) later on proposes that R 408.30910a be rescinded; which is the current means of appeal provided for in the 2015 Michigan Mechanical Code. If the proposed Michigan Mechanical Code (ORR# 2019-131 LR) is adopted as proposed, there will be no stated means of appeal of an enforcing agency's mechanical code determination. Even though the Bureau of Construction Codes (Bureau) currently acknowledges on its Application for Construction Code Appeal, Form No. BCC-972 (09/19), that the appeal process provided for in the Stille-DeRossett-Hale single state construction code act (SSCCA), 1972 PA 230, MCL 125.1501 *et seq*, applies to mechanical determinations made by an enforcing agency. However, there are other authorized enforcing agencies other than the Bureau which administer and enforce the Michigan Mechanical Code. Therefore, I object to this deletion, as having the method to appeal being stated in the code is just as important as the provisions of Section 107.2 requiring the enforcing agency to notify the permit holder of specific violations. Furthermore, the Director has not provided any justification for deleting the appeals process from the Michigan Mechanical Code.

B. Proposed continuation of R 408.30906a – Exempting gas meter and regulator relocation from permits

Rule 906a, under Section 106.2(j) is proposing continuing the exemption from mechanical permits the following work performed by anyone, including homeowners:

“(j) when changing or relocating a gas meter or regulator, a permit is not required when installing gas piping which shall be limited to 10 feet in length and not more than 6 fittings.”

As part of the proposed Michigan Mechanical Code (ORR# 2019-131 LR) the Director has not provided any justification for why only this amount of gas piping footage and number of fittings is exempt from a permit. Furthermore, neither the IMC nor the International Fuel Gas Code, 2018 Edition, exempts this amount of gas piping from being permitted. Given the inherent dangers associated with fuel gas piping, explosion and or fire, all fuel gas piping should be permitted,

inspected and approved by the enforcing agency as safe and meeting the code requirements. Therefore, the exemption proposed under Rule 906a, Section 106.2(j) should be stricken from the proposed Michigan Mechanical Code (ORR# 2019-131 LR).

C. Proposed deletion of R 408.30906a Section 106.3.1 Exemption 2.a – For One- and Two-Family dwelling under 375,000 Btu

Even though the State of Michigan agreed to the 1998 Stipulation Agreement filed in Ingham County Circuit Court Case No. 97-87125-CZ (copy attached hereto); which was the origin of the Section 106.3.1 Exemption 2.a., the Director, without any stated justification, is now proposing deleting the proposed exemption from enforcing agencies requiring mechanical construction documents, computations, and specifications to be prepared and designed by a registered design professional pursuant to the occupational code, 1980 PA 299, MCL 339.101 to 339.2677. According to the Bureau of Construction Codes published Fiscal Year 2018 Annual Report – December 31, 2018 and Fiscal Year 2019 Annual Report – December 31, 2019 (located at: https://www.michigan.gov/lara/0,4601,7-154-89334_10575_99080---,00.html) there is not sufficient justification indicating that mechanical work being performed in this state is not adequate or sufficient. Therefore, I object to this deletion as there is no current basis and or justification for requiring mechanical construction documents, computations, and specifications to now be prepared and designed by a registered design professional pursuant to the occupational code, 1980 PA 299, MCL 339.101 to 339.2677. Michigan end-users who ultimately pay for the cost of permits and construction documents should not be burdened with another \$1,000-\$2,000 in additional fees charged by registered design professional for the required mechanical construction documents, computations, and specifications currently being provided to enforcing agencies. Therefore, it is respectfully requested that the Director continue honoring the 1998 Stipulation Agreement filed in Ingham County Circuit Court Case No. 97-87125-CZ and not rescind the reasonable and appropriate exemption provided for in the 2015 Michigan Mechanical Code, Section 106.3.1 Exemption 2.a

D. Proposed rescinding to R 408.3090a8 – Deleting appeal process from the Michigan Mechanical Code.

Like what was stated above in Item A, adopted herein by reference. It is respectfully requested that the proposed Michigan Mechanical Code (ORR# 2019-131 LR) contain a stated appeals process.

Thank you in advance for your meaningful consideration of these important and needed improvements to the proposed Michigan Mechanical Code (ORR# 2019-131 LR). Please advise if you have any questions. I look forward to the Director's and or Bureau's detailed and supported responses to these comments.

Respectfully,



Phil Forner

Mechanical Contractor's License No. 7108404

Enclosure

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

CECIL E. REINKE, a/k/a/ TED REINKE,
& NEW CONSTRUCTION AIR
CONDITIONING, INC., MICHIGAN
CHAPTER, AIR CONDITIONING
CONTRACTORS OF AMERICA
Plaintiffs,

Case No.: 97-87125-CZ ✓

HON. MICHAEL G. HARRISON

v

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STATE OF MICHIGAN, KATHLEEN M.
WILBUR, DIRECTOR, DEPARTMENT OF
CONSUMER AND INDUSTRY SERVICES,
HENRY L. GREEN, DIRECTOR, BUREAU
OF CONSTRUCTION CODES, TENNISON
B. BARRY, CHIEF, MECHANICAL DIVISION,
BUREAU OF CONSTRUCTION CODES,
Defendants.

FILED

1998 SEP 25 A 11:19

MIKE BRYANTON
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INGHAM COUNTY
30TH CIRCUIT COURT

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STIPULATION

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4. The Defendants agree that the Bureau of Construction Codes will modify its mechanical permit application to reflect this change in policy.
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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

CECIL E. REINKE, a/k/a/ TED REINKE,
& NEW CONSTRUCTION AIR
CONDITIONING, INC., MICHIGAN
CHAPTER, AIR CONDITIONING
CONTRACTORS OF AMERICA

Case No.: 97-87125-AA

HON. MICHAEL G. HARRISON

Plaintiffs,

v

JOHN M. ENGLER, GOVERNOR OF THE
STATE OF MICHIGAN, KATHLEEN M.
WILBUR, DIRECTOR, DEPARTMENT OF
CONSUMER AND INDUSTRY SERVICES,
HENRY L. GREEN, DIRECTOR, BUREAU
OF CONSTRUCTION CODES, TENNISON
B. BARRY, CHIEF, MECHANICAL DIVISION,
BUREAU OF CONSTRUCTION CODES,

Defendants.

ORDER OF DISMISSAL

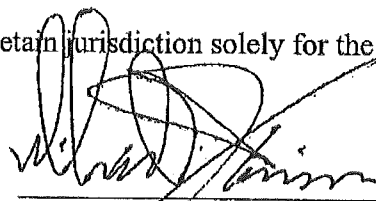
At a session of said Court, held in the Circuit Courtrooms, County of
Ingham, State of Michigan, on this 25th day of Sept., 1998.

PRESENT: THE HONORABLE MICHAEL G. HARRISON, Circuit Judge

This matter having come before the Court per the attached Stipulation and the Court being
otherwise fully informed in the premises;

IT IS HEREBY ORDERED AND ADJUDGED that this cause of action is dismissed with
prejudice pursuant to the terms of the attached Stipulation and this matter is DISMISSED with
prejudice and without an award of costs or attorney fees.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction solely for the purposes of
enforcing the terms of the parties attached Stipulation



Hon. Michael G. Harrison
Circuit Court Judge

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