



*December 16, 2008*

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**Division window label program  
administration**

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**Opportunity for public input:**

Those who would like to provide public testimony may attend a public hearing on December 16, 2008 at 9:30 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. December 19, 2008.

**Live broadcast via the internet:**

To view the public hearing live, click on "[View live meetings](#)"

**Purpose of the rule:**

The purpose of this proposed rule is to make changes to the labeling program for certain windows and related products. This proposed rule establishes the requirements and standards for the labeling program that will be administered by the division.

This proposed rule would become effective January 1, 2009.

**Citation:**

Amend: OAR 918-480-0150

**History:**

ORS 455.525 requires the Residential Structures Board to establish basic standards for energy conservation. Part of the standards adopted in the Oregon Residential Specialty Code (ORSC) require certain windows and related products that are exempt from thermal performance standards be labeled. Related window products are also known as "*fenestration*", which is defined in the ORSC as "a window or door in the exterior envelope."

Under the ORSC, manufacturers must label these exempt products prior to their use in Oregon. These labels, until recently, have been produced and distributed by a private contractor. The contract for this work has been terminated at the request of the contractor. With no provider to manage the program and produce labels, the division must assume the administration of the program. Manufacturer's of these products will not be able keep their products on the market without this label.

A temporary rule is currently in place implementing this rule until this permanent rule is adopted. The temporary rule became effective on November 3, 2008.

**Contact:**

If you have questions or need further information, please contact Hearing Officer Matt Barber at (503) 373-1227, or [Matthew.E.Barber@state.or.us](mailto:Matthew.E.Barber@state.or.us).



Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services, Building Codes Division 918  
Agency and Division Administrative Rules Chapter Number

Shauna M. Parker PO Box 14470, Salem, OR 97309 (503) 373-7438  
Rules Coordinator Address Telephone

**RULE CAPTION**

Establishes a window label program for low volume window and exempt window related product manufacturers.

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

December 16, 2008 9:30 a.m. 1535 Edgewater Street NW, Salem, OR 97304 Matt Barber  
Hearing Date Time Location Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:** 918-480-0150

**AMEND:**

**REPEAL:** 918-480-0150 (T)

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 455.525

Other Auth.:

Stats. Implemented: ORS 455.525

**RULE SUMMARY**

The proposed administrative rule makes changes to the labeling program for certain windows and related window products as required by the 2008 Oregon Residential Specialty Code. Manufacturers who must participate in the labeling program are identified. Requirements of the labeling program are established.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Friday, December 19, 2008 by 5:00 p.m.

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

Mark Long

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Signature Printed name Date

\*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15<sup>th</sup> day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

Establishes a window label program for low volume window and exempt window related product manufacturers.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Adopting 918-480-0150

Statutory Authority: ORS 455.525

Other Authority:

Stats. Implemented: ORS 455.525

Need for the Rule(s): Under the Oregon Residential Specialty Code, certain windows and fenestration products are exempt from thermal performance standards. A fenestration product is a window, door, or related product in the exterior envelope of a building or structure. These products must be labeled before they can be installed within the State of Oregon. Without labels that comply with the residential specialty code, manufacturers will not be able to sell certain windows and fenestration products for installation in Oregon. The proposed rule establishes requirements and standards for a labeling program that will be administered by the division.

Documents Relied Upon, and where they are available: 2008 Oregon Residential Specialty Code and draft rule are available from the division's rules coordinator located at 1535 Edgewater Street NW, Salem, OR 97304 and are posted on the division's Web site at: [www.bcd.oregon.gov](http://www.bcd.oregon.gov) .

Fiscal and Economic Impact: The division estimates that the proposed administrative rule will cause a slight increase in materials and labor for manufacturers of windows produced in low volume and exempt fenestration products. Under the proposed rule, manufacturers will be responsible for printing their own labels and keeping a record of the labels the manufacturer attaches to windows produced in low volume and exempt fenestration products.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The division will experience a slight financial impact as it takes over direct management of the low volume window labeling program. The division does not anticipate that the proposed rule will impact units of local government. Manufacturers of products subject to the rule will experience a slight increase in materials and labor related to printing their own labels and maintaining records of how those labels are used.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: Based on current participation in the previous labeling program, the division estimates that about three small businesses within the State of Oregon will be impacted by the proposed rule. If adopted, the proposed rule will apply to only those businesses that manufacture windows produced in low volume and other exempt fenestration products for installation in this state.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: The proposed rule imposes two administrative duties on manufacturers of windows produced in low volume or exempt fenestration products. First, manufacturers will be responsible for printing their own labels. Second, manufacturers will be responsible for maintaining a log in which they record the product labeled, the product's production number, and the date the label was attached to the product. Based on the information available to it at this time, the division cannot make an estimate of the proposed rule's administrative costs.

c. Equipment, supplies, labor and increased administration required for compliance: Manufacturers of windows produced in low volume and other exempt fenestration products will be required under the proposed rule to print labels for those products, as well as maintain a record or log of the labels that they use.

How were small businesses involved in the development of this rule?

The small businesses subject to the proposed rule were consulted by the division during the rule drafting process and offered their comments on the labeling scheme proposed by the division.

Administrative Rule Advisory Committee consulted?: No

If not, why?: By October 2008, two manufacturers of windows produced in low volume or other exempt fenestration products had notified the division that they would need labels for their products by the week of November 24, 2008. Without labels, the manufacturers would be unable to sell their products for installation in Oregon. In order to ensure that the impacted manufacturers could continue selling their products, the division decided against forming an advisory committee and instead consulted directly with the impacted manufacturers.

Mark Long

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Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

**918-480-0150**

**Low Volume Window Label Program**

**(1) As used in this rule:**

**(a) “Exempt fenestration product” means a skylight or solarium that is exempt from the thermal performance standards established in the Oregon Residential Specialty Code.**

**(b) “Manufacturer” has the definition provided in Section NF1110.1 of the 2008 Oregon Residential Specialty Code .**

**(c) “Window produced in low volume” has the definition provided in Section NF1110.1 of the 2008 Oregon Residential Specialty Code.**

**(2) Manufacturers of windows produced in low volume or exempt fenestration products must participate in a labeling program administered by the division.**

**Participating manufacturers shall:**

**(a) Print their own labels, subject to standards established in the Oregon Residential Specialty Code;**

**(b) Attach an appropriate label to each window produced in low volume or exempt fenestration product produced for installation in Oregon;**

**(c) Comply with any other applicable labeling requirements established in Section NF1113 of the 2008 Oregon Residential Specialty Code; and**

**(d) Maintain a log in which the attachment of each label is recorded.**

**(3) A manufacturer participating in the division’s labeling program must obtain, from the division, a log for recording the attachment of labels to either windows produced in low volume or exempt fenestration products. A participating manufacturer shall record in its log the type of window produced in low volume or exempt fenestration product that was labeled, the label’s production number, and the date the label was attached. A copy of a manufacturer’s labeling program log for the previous year shall be sent to the division by no later than January 31<sup>st</sup> of each year. The log shall also be made available to the division upon request.**

**(4) Participating manufacturers may not:**

**(a) Sell, exchange, or transfer their labels to another manufacturer;**

**(b) Purchase or obtain labels produced by another manufacturer; or**  
**(c) Produce or use labels in excess of the maximum established by Section NF1113 of**  
**the 2008 Oregon Residential Specialty Code.**

**Stat. Auth.: ORS 455.525**

**Stat. Implemented: ORS 455.525**

**Status: BCD 26-2008 (Temp), f. & cert. ef. 11-3-08 thru 5-1-09**

DRAFT