



Notice of Rulemaking Hearing

December 20, 2011

Amends Oregon Energy Efficiency Specialty Code

Opportunity for public input:

Those who would like to provide testimony may attend a public hearing on December 20, 2011 at 10:30 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 23, 2011.

Live broadcast via the internet:

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

Purpose of the rule:

This proposed rule amends the 2010 Oregon Energy Efficiency Specialty Code (OEESC) by amending Section 503.2.4.5 regarding economizer relief dampers.

Citation:

Amend: OAR 918-460-0510

To view the proposed amendment click the link [Amendment to OEESC Section 503.2.4.5](#)

This proposed rule would become effective January 1, 2012.

History:

The division became aware of an Oregon amendment to model code language that was incompatible with available technologies for smaller-scale commercially-available packaged HVAC equipment with economizers. The 2010 OEESC removed an exception from model code (both the 2009 IECC and ASHRAE 90.1-2010) that exempted dampers on equipment in buildings 3 stories and shorter.

The building pressure relief dampers on economizers for packaged equipment provided by all major manufacturers come with barometric backdraft dampers. These dampers will not meet the low leakage requirement of Section 503.2.4.5 if considered an exhaust stream.

The inclusion of motorized low-leakage dampers on the economizer shut-off would require custom ordered equipment and/or custom field-installed economizers. The material and labor costs for custom ordered equipment would be over \$300 per unit. The custom unit or custom economizer would be more likely to have problems occur with the economizer controls and operation. From all available commentary, economizer dampers are not intended to be included in the damper leakage requirements.

The Building Codes Structures Board, at its November 2, 2011 meeting, considered and approved the amendment and recommended that the division forward this rule to public hearing with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public, or necessary to conserve scarce resources.

Contact:

If you have questions or need further information, contact Hearing Officer Mark Heizer at 503-373-0205, or Mark.R.Heizer@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
Stephanie Snyder	PO Box 14470, Salem, OR 97309
Rules Coordinator	Address
	(503) 373-7438
	Telephone

RULE CAPTION

Adopts amendments to the 2010 Oregon Energy Efficiency Specialty Code

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

December 20, 2011	10:30 a.m.	1535 Edgewater Street NW, Salem, OR 97304	Mark Heizer
Hearing Date	Time	Location	Hearings Officer

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

RULEMAKING ACTION

ADOPT:

AMEND: OAR 918-460-0510

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 455.030, 455.110, & 455.511

Other Auth.:

Stats. Implemented: ORS 455.030, 455.110, & 455.511

RULE SUMMARY

The proposed rule exempts economizer relief dampers that are integral to unitary and packaged equipment from the requirement in Section 503.2.4.5 of the Oregon Energy Efficiency Specialty Code that all outdoor air supply and exhaust vents be equipped with motorized dampers that shut automatically when the systems or spaces served are not in use.

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.

December 23, 2011 by 5 p.m.

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

	Mark Long	
Signature	Printed name	Date

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

Adopts amendments to the 2010 Oregon Energy Efficiency Specialty Code

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

In the Matter of: Amending OAR 918-460-0510**Statutory Authority:** ORS 55.030, 455.110, & 455.511**Other Authority:****Stats. Implemented:** ORS 455.030, 455.110, & 455.511

Need for the Rule(s): Section 503.2.4.5 of the Oregon Energy Efficiency Specialty Code requires that all outdoor air supply and exhaust vents be equipped with motorized dampers that shut automatically when the systems or spaces served are not in use. Many small-scale, pre-packaged, HVAC units available for sale in Oregon include economizer units equipped with barometric dampers that do not meet the requirements of Section 503.2.4.5. Modifying these units to achieve compliance with Section 503.2.4.5 would cost approximately \$300-800 per unit and yield little, if any, increase in the packaged unit's overall energy efficiency. The proposed rule clarifies that modification of these units for compliance with Section 503.2.4.5 of the Oregon Efficiency Specialty Code is not required.

Documents Relied Upon, and where they are available: 2009 International Energy Conservation Code published by the International Code Council (ICC) and Standard 90.1-2010 published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE). Both available from the division.

Research into Integrated Design of Small Commercial HVAC Systems commissioned by the California Energy Commission's Public Interest Energy Research (PIER) Program, available at: http://www.archenergy.com/pier-fdd/packaged_rtu/packaged_rtu.htm

Fiscal and Economic Impact: The proposed rule clarifies that economizers sold as part of a packaged HVAC unit do not need to be modified for compliance with Section 503.2.4.5 of the Oregon Energy Efficiency Specialty Code. Because these units are currently being installed without modification, the proposed rule does not represent a substantive change and will not have a fiscal or economic impact.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): None.
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: There are approximately 20-25 HVAC suppliers and contractors that will be subject to the rule.
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None.
 - c. Equipment, supplies, labor and increased administration required for compliance: None.

How were small businesses involved in the development of this rule? Small businesses were not directly involved in the development of this rule. Several mechanical contractors who install heating, ventilation and air-conditioning systems contacted the division regarding the discrepancy between the language of Section 503.2.4.5 and existing practice in the field. The division cannot determine whether any of these businesses were small businesses.

Administrative Rule Advisory Committee consulted?: No

If not, why?: Packaged HVAC units featuring dampers that do not comply with Section 5.2.4.5 of the Oregon Energy Efficiency Specialty Code are currently being sold and installed in Oregon. The cost of modifying these units would not realistically be recovered in energy savings over the life of the unit. The proposed rule clarifies that the current practice of installing such units without modification is acceptable. The proposed rule does not enact a substantive change in enforcement or administration of the Oregon Energy Efficiency Specialty Code.

Mark Long

Signature

Printed name

Date

918-460-0510

Amendments to the Oregon Energy Efficiency Specialty Code

(1) The ~~2010 Oregon Energy Efficiency Specialty Code~~ is adopted and amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the ~~2010 Oregon Energy Efficiency Specialty Code~~ are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

(2) Effective January 1, 2012 Section 503.2.4.5 of the Oregon Energy Efficiency Specialty Code is amended to include an additional exception for economizer relief dampers in certain applications.

Stat. Auth.: ORS 455.030, 455.110, & 455.511

Stats. Implemented: ORS 455.030, 455.110, & 455.511

Hist.: BCD 5-2010, f. 5-14-10, cert. ef. 7-1-2010; BCD 4-2011, f. & cert. ef. 3-11-11; BCD 21-2011, f. 7-26-11, cert. ef. 10-1-11