



November 3, 2008

**Division window label program
establishment**

Purpose of the rule:

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

This temporary rule is effective November 3, 2008.

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.

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.

This temporary rule provides the necessary standards for the management and production of these labels until permanent rules are adopted by the division or another contract is established.

Contact:

If you have questions or need further information, please contact Policy Matt Barber at (503) 373-1227, or Matthew.E.Barber@state.or.us .



Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form..

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on [Upon Filing] by the
Date prior to or same as filing date

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

to become effective [Upon Filing] through [May 1, 2009].
Date upon filing or later A maximum of 180 days including the effective date.

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.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing
ADOPT: 918-480-0150

AMEND:

SUSPEND:

Stat. Auth.: ORS 455.525

Other Auth.:

Stats. Implemented: ORS 455.525

RULE SUMMARY

The proposed administrative rule establishes a 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.

Mark Long

Authorized Signer Printed name Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Consumer and Business Services, Building Codes Division
Agency and Division

918

Administrative Rules Chapter Number

In the Matter of: Adopting OAR 918-480-0150

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

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

Statutory Authority: ORS 455.525

Other Authority:

Stats. Implemented: ORS 455.525

Need for the Temporary 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 temporary 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 .

Justification of Temporary Rule(s):

Until recently, a private contractor has managed the labeling program for the division. The contract was recently cancelled at the request of the contractor. With no private contractor to manage the program, the division must assume administration of the program. The proposed rules establish a labeling program for certain windows and fenestration products that are exempt from thermal performance testing. Under the Oregon Residential Specialty Code, these exempt products cannot be installed within the State of Oregon unless they are first labeled. Without the labeling program established by the proposed rule, manufacturers won’t have access to the labels necessary to keep their products on the market. Labeling standards are set in the Oregon Residential Specialty Code, pursuant to ORS 455.525.

Mark Long

Authorized Signer

Printed name

Date

Window Label Rule
Temporary Rule Effective: 11-3-08

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 preceding year shall be sent to the division by no later than January 31 in each year, for the previous 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