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To: Chairman Haadsma, Alternate Chairman Wojno, and Members of the Joint Committee on Administrative Rules

From: Paige Fults, Director, Office of Policy and Legislative Affairs, LARA

Date: Nov. 8, 2023

Re: Request to Waive Remaining Session days for Three LARA rule sets

As the Director of the Office of Policy and Legislative Affairs (OPLA) for the Department of Licensing and Regulatory Affairs (LARA), I respectfully request that the Joint Committee on Administrative Rules (JCAR) waive the remaining session days, under the authority provided in the Administrative Procedures Act, MCL 24.245a(1), for the following LARA rule sets:

- Construction Code - Part 8. Electrical Code (2022-59 LR)
- Construction Code - Part 7. Plumbing Code (2022-56 LR)
- Construction Code - Mechanical Code Part 9A (2022-55 LR)

These three rules are outdated and require a revision to reflect the latest technology and materials. In October 2021, the Michigan Office of the Auditor General found the Bureau of Construction Codes to be behind the adoption schedule of the current codes. LARA must update the codes to the most current editions to meet audit compliance requirements. LARA conducted a Lean Process Improvement Project by taking a fresh look at the steps to promulgate the most recent code and made adjustments to ensure the most timely method while complying with the Administrative Procedures Act (APA). The rules before this committee will bring the electrical, plumbing, and mechanical codes to the current recognized national standards.

While each Construction Code is based on international or national standards, the codes are adopted through the rulemaking process so practices specific to Michigan can be included, and those requirements irrelevant to Michigan because of the state's geographic and environmental features can be removed.

The rules update the Michigan Electrical Code by adopting the 2023 edition of the National Electrical Code (NEC). The Michigan Electrical Code currently adopts by reference the 2017 edition of the NEC. For plumbing, the rules update the Michigan Plumbing Code by adopting the 2021 edition of the International Plumbing Code (IPC). Michigan currently adopts by reference the 2018 edition of the IPC. The last ruleset before the committee is to update the Michigan Mechanical Code by adopting the 2021 edition of the International Mechanical Code (IMC). The Michigan Mechanical Code currently adopts by reference the 2015 edition of the IMC.

Thank you for considering LARA's request to waive the remaining session days to ensure compliance with the audit in general, update safety standards, and allow latitude for innovation and new technologies. Questions may be directed to Paige Fults by email (fultsp@michigan.gov) or phone (517-241-4580).