

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 09-072		Hearing Location: Madison, WI	
Rule Number: Comm 22.31 (2) (b)		Hearing Date: October 21, 2009	
Relating to: Approved software to show compliance with Uniform Dwelling Code thermal envelope requirements			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Speaker 1, Exhibit 4	Pat Stevens Wisconsin Builders Association 4868 High Crossing Blvd. Madison, WI 53704	<p>a. Requests restoring the offset allowed previously when a 90% efficiency furnace was used. A major concern is the costs associated with meeting the new energy code requirements reflected in REScheck – especially with how the energy code and REScheck deal with furnace efficiencies. Allowing credit for only 95% efficiency furnaces exceeds the International Energy Conservation Code (IECC) provisions.</p> <p>b. Recommends adding a provision to the energy code that indicates the following log homes meet the code provisions: <i>Log walls complying with ICC 4000 and with a minimum average wall thickness of 5" or greater shall be permitted in Zones 5-8 when overall window glazing is .31 U-factor or lower, minimum heating equipment efficiency of 90AFUE (gas) or 84AFUE (oil), and all other component requirements are met.</i> Minnesota and Montana have adopted this provision for log homes. Meeting the energy code requirements is quite costly for the log home industry.</p> <p>c. Requests the implementation date of the rule be delayed. The code authorizing the use of REScheck 4.1.0 to demonstrate compliance was in effect from April 1, 2009, until September 5, 2009, when the emergency rule became effective. Builders have entered into agreements to construct dwellings based on costs associated with using REScheck 4.1.0. If the rule moves forward, a delay should be allowed so these builders can complete their projects.</p>	<p>a. Disagree. When the department revised chapter Comm 22 effective April 1, 2009, it 1) continued to promote the use of 90% efficient furnaces and 2) simplified the use of REScheck when determining compliance with the UDC based on the home's insulation requirements per the 2006 International Energy Conservation Code (IECC). The 2009 IECC will eliminate the appliance efficiency trade-offs, and this may be reflected in the next edition of Comm 22. The department believes these energy-saving requirements should be maintained.</p> <p>b. Recommendation noted. Such a provision for log homes, however, is beyond the scope of this proposed rule change.</p> <p>c. Disagree. The emergency rule requiring Version 4.2.2 or better was in place as of September 5, 2009, and implementing a delay – allowing the use of Version 4.1.0 for a few months before returning to Version 4.2.2 – would create confusion and be problematic. Earlier versions of REScheck – those prior to Version 4.2.2 – are not consistent with the actual code requirements contained in the R-value tables in Comm 22. Builders who do not use REScheck have complied with the minimum insulation requirements set forth in Tables 22.31-1 and 22.31-4 and those applicable sections since April 1, 2009, when chapter Comm 22 became effective. Many builders in Wisconsin are using REScheck</p>

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			versions 4.2.2 or 4.3.0, (before and after September 5, 2009) and are building homes in compliance with the intent of the UDC.
Speaker 2, Exhibit 3	Pattie Stone Metropolitan Builders Association N16 W23321 Stone Ridge Drive Waukesha, WI 53188	<p>a. Requests creating a new version of REScheck that allows an accommodation for a 90% efficient furnace as per Comm 22.31 (3). Under REScheck 4.2.2 no offsets are available for heat-loss calculation unless the furnace meets the 94% efficient threshold. This is not the case with the current code that allows an accommodation when a furnace reaches 90% efficiency.</p> <p>b. Recommends delaying the implementation of the emergency rule. Builders relied on the code language that allowed REScheck 4.1.0 to show compliance when bidding jobs between April 2, 2009, and September 5, 2009. All of these jobs were bid at substantially lower figures – \$2,500 to \$8,000 – than the value that they will actually cost to complete according to REScheck 4.2.2. An implementation delay would allow these builders to complete these projects and not be unduly harmed by this error.</p>	<p>a. Disagree. Same response as to Speaker #1, Comment a.</p> <p>b. Disagree. Same response as to Speaker #1, Comment c.</p>
Exhibit 1	Michael Coello 2122 S. West Ave. Waukesha, WI 53189	Requests a delay in the implementation of the rule. Compliance under REScheck 4.2.2 compared to 4.1.0 increases the costs of a structure from \$2,500 to \$8,000. This amount is primarily due to a significant increase in insulations costs (mainly the foundation) to show compliance with REScheck 4.2.2's heat-loss calculations. Contractors used REScheck 4.1.0 to show compliance when bidding jobs between April 2 and September 5, 2009. These jobs were bid at figures lower than the value that they will actually cost to complete with the implementation of this rule. Delaying implementation will accommodate those projects and ensure that builders are not unduly harmed by this error. Comments similar to Speaker 2, b., Exhibit 3.	Disagree. Same response as to Speaker #1, Comment c.

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Exhibit 2	Ann Rodrigues David & Goliath Builders, Inc./Avid Homes, LLC 1177 Quail Court Pewaukee, WI 53072	Requests a delay in the implementation of the rule. Comments similar to Speaker 2, b., Exhibit 3.	Disagree. Same response as to Speaker #1, Comment c.