



Department of Consumer
and Business Services

Mechanical Minor Labels Phased Program

Purpose of the rule:

The purpose of the rule is to create, via permanent rule, the mechanical minor labels program.

Citation:

Adopts: OAR 918-440-0520

Suspends: OAR 918-440-1001

This rule is effective October 1, 2021.

Background:

Minor labels allow for some minor work to be completed and inspected using an alternative process to the normal permitting process. Several building code programs have a minor label program, but there is no statewide minor label program for the Oregon Mechanical Specialty Code (OMSC) or the mechanical provisions of the Oregon Residential Specialty Code (ORSC). The division has been piloting a mechanical minor label permitting program in select jurisdictions. The division held a rulemaking advisory committee meeting on August 3, 2021, to gather feedback relating to the proposed rule from interested stakeholders. The division held a rulemaking public hearing on Sept. 21, 2021 and accepted written public comment until Sept. 24, 2021. The division did not receive any oral or written testimony on this rulemaking.

Summary:

This rule will extend the mechanical minor label pilot program in the following jurisdictions: Coos, Deschutes, Jackson, Linn, and Marion Counties, and the Cities of Albany, Central Point, Medford, and Salem. Under this program, contractors in participating jurisdictions may purchase mechanical minor labels to cover certain minor repairs and installations covered by the OMSC and the mechanical provisions of the ORSC. When a contractor uses a mechanical minor label and uploads photographs of the work to the division's mechanical minor label program software system, the inspection will be done remotely. Additionally, this filing will suspend the temporary rule that the mechanical minor label permit program and previously operated under.

Contact:

If you have questions or need further information, contact Warren Jackson, Manager of Statewide Services, at 503-373-7452, or Warren.D.Jackson@oregon.gov.





PERMANENT ADMINISTRATIVE ORDER

BCD 10-2021

CHAPTER 918
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
BUILDING CODES DIVISION

FILED

09/29/2021 1:59 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Creates a permanent rule for the mechanical minor label inspection program

EFFECTIVE DATE: 10/01/2021

AGENCY APPROVED DATE: 09/29/2021

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ADOPT: 918-440-0520

NOTICE FILED DATE: 08/11/2021

RULE SUMMARY: This rule will extend the mechanical minor label pilot program in the following jurisdictions: Coos, Deschutes, Jackson, Linn, and Marion Counties, and the Cities of Albany, Central Point, Medford, and Salem. Under this program, contractors in participating jurisdictions may purchase mechanical minor labels to cover certain minor repairs and installations covered by the OMSC and the mechanical provisions of the ORSC. When a contractor uses a mechanical minor label and uploads photographs of the work to the division's mechanical minor label program software system, the inspection will be done remotely.

CHANGES TO RULE:

918-440-0520

Phased Mechanical Minor Label Inspection Program

- (1) The mechanical minor label inspection program is in addition to any local jurisdiction minor label program authorized by OAR 918-100-0020(2). This program does not supersede, replace, or modify a local jurisdiction's mechanical minor label program in any way.¶
- (2) Minor labels issued under this rule will be administered by using the definitions in OAR 918-100-0010, the fees in 918-100-0030, and the process described in section (13) of this rule.¶
- (3) The scope of work allowed under this program does not include any new construction except as allowed under subsection (d), (e), and (f) of this section. The scope of work allowed under this program is limited to the following:¶
- (a) Moving or replacing ductwork not involving fire dampers or penetrations of firewalls, fire assemblies or floors;¶
- (b) Relocating grilles and air distribution inlets or outlets;¶
- (c) Replacing existing heating, cooling, and ventilation equipment, including minor alterations of fuel piping or appliance connectors downstream of an appliance shutoff valve;¶
- (d) Adding a central air conditioning unit to existing ductwork in one- and two-family dwellings;¶
- (e) Installing new mini-split heat pumps in one- and two-family dwellings; and¶

- (f) Installing a mechanical exhaust fan for radon mitigation systems in one- and two-family dwellings.
- (4) Minor mechanical installations do not include:
- (a) Mechanical replacements where the fuel type changes;
 - (b) Replacement of fuel burning equipment which requires replacement of the existing venting system; or
 - (c) Replacement of commercial systems or equipment that:
 - (A) Exceeds 2,000 cubic feet per minute of air movement capability;
 - (B) Weighs more than 400 pounds, except packaged rooftop equipment up to 5-ton cooling capacity being replaced with packaged rooftop equipment not exceeding the existing unit's cooling capacity; or
 - (C) Exceeds 5-ton cooling capacity.
- (5) Unused minor labels issued under this rule shall expire one year after they are purchased.
- (6) Work performed under the mechanical minor label program shall be to the current Oregon Mechanical Specialty Code or the current Oregon Residential Specialty Code, as applicable.
- (7) Only one mechanical minor label shall be used on any single project per job site. For the purpose of this rule, a job site means work at the same address.
- (8) A minor label is only required when the work otherwise requires a permit. No new permit requirements are created by this rule.
- (9) The following people may purchase and use state mechanical minor labels in participating jurisdictions:
- (a) For commercial and industrial mechanical minor labels, the contractor doing the work, who holds a Construction Contractors Board license.
 - (b) For residential mechanical minor labels, a contractor licensed by the Construction Contractors Board.
- (10) A contractor performing work under a minor label must still comply with all applicable licensing requirements for the work performed.
- (11) The following local jurisdictions are participating in the mechanical minor label inspection program:
- (a) City of Albany;
 - (b) City of Central Point;
 - (c) City of Medford;
 - (d) City of Salem;
 - (e) Coos County;
 - (f) Deschutes County;
 - (g) Jackson County;
 - (h) Linn County;
 - (i) Marion County; and
 - (j) Umatilla County.
- (12) A person performing work under a minor label may elect to have this work inspected virtually. To have the work inspected virtually, the work must be documented with images, and those images must be uploaded to the division's mechanical minor label software system.
- (13) The local jurisdiction where the minor label is used shall be the inspecting jurisdiction. If pictures of the work performed under the minor label have been uploaded to the division's mechanical minor label software system, then inspections shall be conducted remotely through that system. If pictures of the work performed under the minor label have not been uploaded, or if the uploaded pictures are insufficient to complete a virtual inspection, then inspections shall be conducted using the minor label process in OAR 918-100-0060.
- (a) The division shall assign the initial inspection of a minor label lot to the local jurisdiction at the start of the calendar month. The local jurisdiction shall perform the assigned minor label inspection before the end of the calendar month in which the inspection was assigned. If the local jurisdiction fails to perform an assigned inspection within the calendar month that it was assigned, then the division shall perform the inspection.
 - (b) No less than 10 percent of each minor label lot shall be inspected either by the local jurisdiction or by the division. The inspection shall verify the minor installation.
 - (c) If any minor label inspections beyond the initial inspection in a lot are required, the additional inspections will be performed in accordance with OAR 918-100-0060.

(d) The division shall compensate each inspecting jurisdiction \$75 per inspection for the first minor label installation inspected by the local jurisdiction in a lot. If the first minor label installation fails the inspection, the division shall perform an inspection on a second minor label from the same lot. If the second minor label fails the division's inspection, then the division shall inspect a third minor label of the same lot. ¶

(e) If any minor label fails an inspection, then the contractor that purchased the minor label is required to pay the local jurisdiction for an on-site inspection of the same work at the local jurisdiction's hourly inspection rate. ¶

(f) The division shall, upon notice of three failed inspections in the same lot of labels, notify the contractor and the jurisdictions affected by the remaining labels in the same lot. Each jurisdiction shall then notify the contractor that a permit is necessary for each of the remaining installations within the jurisdiction in the same lot of labels, and work shall follow the normal permit and inspection procedures for that jurisdiction.

Statutory/Other Authority: ORS 455.046, ORS 455.154, ORS 455.155

Statutes/Other Implemented: ORS 455.046, ORS 455.154, ORS 455.155