



**Notice of Temporary Rules  
August 30, 2016**

**OEESC SEER Modification**

**Purpose of the rules:**

This temporary rule delays the implementation of higher mandatory federal manufacturing SEER requirements for certain equipment located in Table 503.2.3(1) of the energy efficiency provisions of the Oregon Structural Specialty Code. These requirements were adopted in Oregon Administrative Rule 918-460-0500, the Oregon Energy Efficiency Code (OEESC).

**Citation:**

Amend: OAR 918-460-0500  
This rule becomes effective August 30, 2016.

**Effect of the rules:**

This temporary rule retroactively modifies the table value found in Table 503.2.3(1) of the OEESC for air conditioners that are air cooled, less than 65,000 Btu/h, and single package equipment. The SEER value provided by this rule is 13.0. This change is necessary due to a delay of the scheduled increase in federal mandatory minimum manufacturing SEER requirements. Oregon adopted the 2014 OEESC which incorporated the original federal timeline for increased minimum SEER requirements. The change to the federal implementation schedule put Oregon out of alignment with the federal implementation schedule.

**Contact:**

If you have questions or need further information, contact Mark Heizer, Policy Analyst, at 503.373.0205, or [mark.r.heizer@oregon.gov](mailto:mark.r.heizer@oregon.gov).



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

**FILED**  
8-30-16 10:18 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on Upon filing, by the  
Department of Consumer and Business Services, Building Codes Division 918  
Agency and Division Administrative Rules Chapter Number  
Holly A. Tucker (503) 378-5331  
Rules Coordinator Telephone  
PO Box 14470, Salem, OR 97309-0404  
Address

To become effective 08/30/2016 through 12/31/2016.

**RULE CAPTION**

Modification to the SEER requirement for certain air conditioners

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

**RULEMAKING ACTION**

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:**

918-460-0500

**SUSPEND:**

**Statutory Authority:**

ORS 455.020, 455.030, 455.110, 455.505, & 455.511

**Other Authority:**

ORS 183.335

**Statutes Implemented:**

ORS 455.110 & 455.511

**RULE SUMMARY**

This temporary rule amends the energy provisions of the Oregon Structural Specialty Code by aligning the Oregon SEER standard for specific air conditioners with federal mandatory minimum manufacturing requirements.

Holly A. Tucker

Rules Coordinator Name

holly.a.tucker@state.or.us

Email Address

Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**  
A Certificate and Order for Filing Temporary Administrative Rules  
accompanies this form

**FILED**  
8-30-16 10:18 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

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

918  
Administrative Rules Chapter Number

Modification to the SEER requirement for certain air conditioners

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 918-460-0500

**Statutory Authority:**

ORS 455.020, 455.030, 455.110, 455.505, & 455.511

**Other Authority:**

ORS 183.335

**Statutes Implemented:**

ORS 455.110 & 455.511

**Need for the Temporary Rule(s):**

This temporary rule is necessary to align Oregon minimum efficiency standards with federal manufacturing standards. Oregon's requirements are currently out of alignment with mandatory federal minimum standards because implementation of the federal standards was delayed.

**Documents Relied Upon, and where they are available:**

Rules are available from the division's rules coordinator located at 1535 Edgewater St. NW, Salem, Oregon, 97304 and are available on the division's web site: [www.bcd.oregon.gov](http://www.bcd.oregon.gov).

**Justification of Temporary Rule(s):**

Oregon adopted the 2014 OEESC which anticipated planned increases in mandatory federal minimum manufacturing efficiency standards. The implementation of these federal standards was delayed. As a result, this temporary rule will allow consistency in product pricing and availability for Oregon. Failure to promptly act will create an unfair burden on Oregon residents and businesses.

Holly A. Tucker

Printed Name

[holly.a.tucker@state.or.us](mailto:holly.a.tucker@state.or.us)

Email Address

**918-460-0500**

**Adopted Oregon Energy Efficiency Specialty Code**

(1) The energy provisions of the **Oregon Structural Specialty Code** are adopted pursuant to OAR chapter 918, division 8.

(2) Effective July 1, 2014, the energy provisions in Chapter 13 of the **Oregon Structural Specialty Code** are adopted in the publication titled 2014 **Oregon Energy Efficiency Specialty Code**.

(3) The publication titled 2014 **Oregon Energy Efficiency Specialty Code** is based upon the 2010 edition of the **Oregon Energy Efficiency Specialty Code**, with additional Oregon amendments.

(4) For the purposes of implementing a phase-in period for the energy provisions of the **Oregon Structural Specialty Code**, the 2010 **Oregon Energy Efficiency Specialty Code** is adopted for the period beginning July 1, 2014 and ending September 30, 2014.

(5) During the phase-in period established in subsection (4), all building departments in the state are required to accept plans for structures designed to either the energy provisions in Chapter 13 of the **Oregon Structural Specialty Code** or to the 2010 **Oregon Energy Efficiency Specialty Code**.

(6) Code requirements in effect at the time a plan review or permit application is filed controls the

construction under the application unless the applicant agrees to be controlled by subsequent changes.

(7) All references and code provisions adopted in this rule, in OAR chapter 918, or in any specialty code adopted thereunder to the **Oregon Energy Efficiency Specialty Code** mean the energy provisions of the **Oregon Structural Specialty Code** found in Chapter 13 of the **Oregon Structural Specialty Code**.

(8) Effective March 4, 2016, the energy efficiency provisions of the **Oregon Structural Specialty Code** adopted in this rule are amended by modifying the SEER requirement in Table 503.2.3(1), *Minimum Efficiency Requirements: Electrically Operated Unitary Air Conditioners and Condensing Units* for air conditioners that are air cooled, less than 65,000 Btu/h, and single package equipment. The SEER requirement shall be 13.0. This amendment is retroactive to July 1, 2014.

Stat. Auth.: ORS 455.020, 455.030, 455.110, 455.505, & 455.511

Stats. Implemented: ORS 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; BCD 7-2014, f. 6-20-14, cert. ef. 7-1-14 ; BCD 3-2016(Temp), f. & cert. ef. 3-3-16 thru 8-29-16