

**Minnesota Department of Labor and Industry**

**NOTICE OF WITHDRAWAL OF HEARING REQUESTS**

**Proposed Amendment to and Repeal of Rules Governing the Adoption of the International Mechanical Code and International Fuel Gas Code, Minnesota Rules, Chapter 1346; Revisor's ID Number R-04515, OAH docket number 8-9001-35637**

**To persons who requested a hearing.** In accordance with Minnesota Statutes, section 14.25, subdivision 2, the Department is sending this Notice to all persons who requested a hearing.

**There will be no hearing.** In the October 28, 2019, State Register, on pages 519 to 522, the Department of Labor and Industry published a Notice of Intent to Adopt Rules relating to the adoption of the 2018 editions of the International Mechanical Code and International Fuel Gas Code, with amendments. The Notice stated that a hearing would be held on the proposed rules if 25 or more persons submitted written requests for a hearing UNLESS a sufficient number withdrew their requests in writing. In response to the Notice, the Department received 67 hearing requests, however, 52 hearing requests were subsequently withdrawn. Consequently, there will be no hearing because there are fewer than 25 outstanding hearing requests. The Department will adopt the rules without a hearing and then submit the rules and other required documents to the Chief Administrative Law Judge for review by the Office of Administrative Hearings. The Department will consider all written comments when it adopts the rules.

**Withdrawal of hearing requests.** The hearing requests were withdrawn because the Department agreed to change the proposed rule language amending part 1346.0401, subpart 1, to the following:

**401.2 Ventilation required.** Every occupied space other than residential buildings constructed in accordance with the IRC and Group R-2, R-3, and R-4 occupancies three stories and less in height dwelling units shall be ventilated by natural means in accordance with section 402 or by mechanical ventilation in accordance with section 403. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with section 407.

**Exception: 401.2.1 Ventilation in IRC buildings.** Ventilation in dwelling units and residential buildings constructed in accordance with the IRC shall comply with ASHRAE 62.2 Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings or Minnesota Rules, chapter 1322

**401.2.2 Ventilation in Group R-2, R-3, and R-4 occupancies three stories and less in height.** Ventilation in Group R-2, R-3, and R-4 occupancies three stories and less in height shall be provided with a balanced ventilation system and shall comply with the fan efficacy requirements located in Minnesota Rules, chapter 1322, and the ventilation requirements in (1) Minnesota Rules, chapter 1322, or (2) ASHRAE 62.2 Ventilation and Acceptable Indoor Air Quality in Residential Buildings.

And:

There is already agreement regarding the language in 1309.0303 as it was previously changed and matches the requesters' desired language.

**Comments relating to the withdrawals.** If you have comments or questions relating to the withdrawals, please contact Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, Minnesota 55155, phone (651) 284-5006, and email to: [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us) *within five working days*. This Notice and all written comments that the Department receives become part of the rulemaking record, which an Administrative Law Judge will review.

December 12, 2019 Roslyn C. Robertson  
Date Roslyn Robertson  
Deputy Commissioner