



# MICHIGAN

## AIR CONDITIONING CONTRACTORS ASSOCIATION

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November 19, 2018

To: The Senate Regulatory Reform Committee.

Re: Support for HB 5376

The Michigan Air Conditioning Contractors Association (MIACCA) strongly supports House Bill 5376 and we urge you to vote “Yes” on the bill. This year the Michigan Department of Licensing and Regulatory Affairs (LARA) began using a two-person code review panel which operates in secret and makes decisions outside of the public’s view, ending transparency and limiting public participation. HB 5376 restores the balanced broad-based code review committees used successfully to write Michigan’s construction codes for over 30 years and should be restored for the following reasons:

- Enhances public safety by directly involving building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers, and others in the construction industry who work together year round to ensure the safe construction of buildings in all stages of the process.
- Restores openness and transparency to the code promulgation process.
- Requires all code review committee meetings to be posted and open to the public.
- Returns full and open access to the decision-making process to (our members).
- Reestablishes the ability of organizations and the public to participate throughout the process in a meaningful manner, not just at a public meeting or hearing that LARA then can ignore.
- Provides for public input and discussion during the initial review and drafting of the code including by code change proponents and opponents.
- Returns to using a wide variety of experience, expertise and perspectives not just that of 2 LARA people, to make the initial decisions on the content of the code.
- Restores an open and comprehensive review by a full range of knowledge individuals from various professions before any decision is made on a code requirement.
- Reinforces opportunity for meaningful comment through the open exchange of information and opinions before any vote is taken on a proposed code change.
- Helps avoid conflicts between various sections of the code by involving more people in the review process.
- Will not slow the process of adopting the codes because most of the delay in the rule promulgation process is caused by the requirements of the Administrative Procedures Act.

- Eliminates the inherent bias when only two LARA individuals working alone and away from public scrutiny make the initial decisions on what does and doesn't go into the code.
- Every other state with a statewide construction code utilizes some form of inclusive and wide-ranging review committee. Often those review committees and their memberships are statutory requirements.

Michigan's construction codes and their contents have a major effect on MIACCA's members and their activities. It is of utmost importance all of the national model codes used by Michigan as the basis for Michigan's construction code undergo an open and comprehensive review by a full range of knowledge individuals from various professions as has been the practice in the past and not be given to two LARA individuals, no matter how qualified.

Finally, given that Michigan is currently adopting some codes once only every 6 years having an inclusive, balanced and open code adoption process is even more important for promulgating the best possible codes for Michiganders. Please vote "Yes" on House Bill 5376.

Respectfully,

A handwritten signature in black ink, appearing to read 'M.J. D'Smith', with a horizontal line extending to the right from the end of the signature.

M.J. D'Smith  
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