

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Building Code Council

RULE CITATION: 2018 NC Residential Code N1103.3.1, 2018 NC Energy Code R403.3.1,
C403.2.9

DEADLINE FOR RECEIPT: Friday, February 10, 2023.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

For each of the changes, I would add the relevant provision of SL 2022-46 as well as the cite to SL 2022-6. For example, for C403.2.9, I would revise as follows:

“Commercial Spaces Insulation Rule per N.C. Session Law 2022-6 Section 20.10A.(c) and N.C. Session Law 2022-46 Section 26.(b), expires 3/17/24.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: February 2, 2023

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

In this case, the General Assembly has expressed its intent that the North Carolina Building Code Council forgo the procedures required for adoption of a permanent rule and has instead required that the North Carolina Building Code Council "adopt temporary rules to amend" Section N1103.3.1 of the 2018 North Carolina Residential Code for One- and Two-Family Dwellings and Sections C403.2.9 and R403.3.1 of the 2018 North Carolina Energy Conservation Code in Sections 20.10.(c) and 20.10A.(c) of N.C. Sess. L. 2022-6 and Sections 26.(a) and 26.(b) of N.C. Sess. L. 2022-46.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

David Rittlinger

Phone:

(919)647-0008

E-Mail:

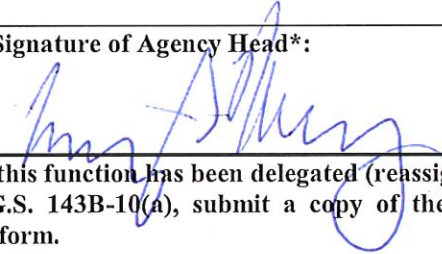
david.rittlinger@ncdoi.gov

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:


* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Bridget Herring

Title:

Chair, North Carolina Building Code Council

E-Mail: herring.ncbcc@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

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2018 NC Energy Conservation Code:

C403.2.9 Duct and Plenum Insulation and Sealing.

Supply and return air ducts and plenums shall be insulated with a minimum of R-6 insulation where located in unconditioned spaces inside the building. Where located outdoors, supply and return ducts shall be insulated with a minimum of R-8 insulation in *Climate Zones* 3 and 4 and a minimum of R-12 insulation in *Climate Zone* 5. Where located within a building envelope assembly, such as a wall of the building thermal envelope, the duct or plenum shall be separated from the building exterior or unconditioned space by a minimum of R-8 insulation in *Climate Zones* 3 and 4 and a minimum of R-12 insulation in *Climate Zone* 5.

Commercial Spaces Insulation Rule per N.C. Session Law 2022-6 Section 20.10A.(c) expires 3/17/24

Supply and return air ducts located in ventilated or non- ventilated unconditioned spaces, other than attic spaces, shall be insulated with a minimum of R-4.0 insulation in Climate Zones 3 and 4 and a minimum of R-6.0 insulation in Climate Zone 5. Supply and return air ducts located in ventilated or non- ventilated unconditioned attic spaces shall be insulated to a minimum R-6.0.

Exception: Where located within equipment.

Ducts, air handlers and filter boxes shall be sealed. Joints and seams shall comply with Section 603.9 of the *International Mechanical Code*.

2018 NC Energy Conservation Code

R403.3.1 Insulation (Mandatory).

Supply and return ducts in unconditioned space and outdoors shall be insulated to a minimum R-8. Supply ducts inside *semi- conditioned space* shall be insulated to a minimum R-4; return ducts inside conditioned and *semi- conditioned space* are not required to be insulated. Ducts located inside conditioned space are not required to be insulated other than as may be necessary for preventing the formation of condensation on the exterior of cooling ducts.

Residential Spaces Insulation Rule per N.C. Session Law 2022-6 Section 20.10 (c) expires 3/17/24

Supply and return air ducts located in ventilated or non- ventilated unconditioned spaces, other than attics, shall be insulated to a minimum R-4.2. Supply and return air ducts located in ventilated or non-ventilated unconditioned attic spaces shall be insulated to a minimum R-6.0.

2018 NC Residential Code:

N1103.3.1 (R403.3.1) Insulation (Mandatory). Supply and return ducts in unconditioned space and outdoors shall be insulated to a minimum R-8. Supply ducts inside *semi- conditioned space* shall be insulated to a minimum R-4; return ducts inside conditioned and *semi-conditioned space* are not required to be insulated. Ducts located inside conditioned space are not required to be insulated other than as may be necessary for preventing the formation of condensation on the exterior of cooling ducts.

Residential Spaces Insulation Rule per N.C. Session Law 2022-6 Section 20.10 (c) expires 3/17/24

Supply and return air ducts located in ventilated or non- ventilated unconditioned spaces, other than attics, shall be insulated to a minimum R-4.2. Supply and return air ducts located in ventilated or non-ventilated unconditioned attic spaces shall be insulated to a minimum R-6.0.