

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 105.4 as amended by 2013 Iowa Acts, Senate File 427, section 5, the Plumbing and Mechanical Systems Board hereby gives Notice of Intended Action to adopt new Chapter 61, “State Mechanical Code,” Iowa Administrative Code.

The rules in Chapter 61 describe the minimum standards for mechanical materials and mechanical methods in buildings and on premises in Iowa. These proposed rules include the adoption by reference of the International Mechanical Code, 2012 edition. The rules also delete all references in the International Mechanical Code to permitting and inspecting which the Board has no authority to implement. Initial interpretive authority over the mechanical code is retained by state or local jurisdictions that perform inspections. The ultimate appeal for any interpretation remains with the Plumbing and Mechanical Systems Board and may be made by the filing of a petition for declaratory order or a petition for waiver.

Other proposed modifications to the International Mechanical Code include:

- Replacing the phrase “International Fuel Gas Code” with “NFPA 54, National Fuel Gas Code, 2012 edition” and “NFPA 58, Liquefied Petroleum Gas Code, 2011 edition,” both of which have been adopted by reference by the Department of Public Safety in 661—Chapter 226.
- Replacing all references to the “International Plumbing Code” with “state plumbing code.”
- Adding requirements for hospitals and health care facilities.
- Eliminating all references to the IC Electrical Code and the National Electrical Code.

Any interested person may make written suggestions or comments on the rules on or before March 25, 2014. Written materials should be directed to Cynthia Houlson, Plumbing and Mechanical Systems Board, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319-0075; fax (515)281-6114; e-mail cindy.houlson@idph.iowa.gov.

A public hearing will be held over the Iowa Communications Network (ICN) on March 25, 2014, from 11:30 a.m. to 12:30 p.m., at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules. This hearing will originate from and be accessible over the ICN from the following locations:

Public Library Information Center
Kelinson Room
2950 Learning Campus Drive
Bettendorf

Spirit Lake High School
2701 Hill Avenue
Spirit Lake

Ottumwa Regional Health Center
1001 E. Pennsylvania
Ottumwa

Crestwood High School
1000 4th Avenue East
Cresco

Public Library
529 Pierce Street
Sioux City

Iowa Workforce Development
1000 E. Grand Ave.
Des Moines

Iowa Western Community College – 2
923 East Washington
Clarinda

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Iowa Department of Public Health and advise staff of specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code section 105.4 as amended by 2013 Iowa Acts, Senate File 427, section 5.

The following amendment is proposed.

Adopt the following **new** 641—Chapter 61:

CHAPTER 61
STATE MECHANICAL CODE

641—61.1(105) Definitions. The following definitions apply to this chapter:

“Ambulatory health care facility” means a facility or portion thereof used to provide services or treatment that provides, on an outpatient basis, treatment for one or more patients that renders the patients incapable of taking action for self-preservation under emergency conditions without the assistance of others; or provides, on an outpatient basis, anesthesia that renders the patient incapable of taking action for self-preservation under emergency conditions without the assistance of others.

“Hospice” means a facility licensed or seeking licensure pursuant to Iowa Code section 135J.2.

“Hospital” means a facility licensed or seeking licensure pursuant to Iowa Code chapter 135B.

“Intermediate care facility for persons with an intellectual disability” means a facility licensed or seeking licensure pursuant to Iowa Code section 135C.2(3)*“c.”*

“Life Safety Code” means the 2000 edition of the Life Safety Code of the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, or the most recent version of the Life Safety Code adopted by reference by the federal Centers for Medicare and Medicaid Services.

“Nursing facility” means a facility licensed or seeking licensure pursuant to Iowa Code section 135C.6, including a nursing facility for intermediate care or a nursing facility for skilled care.

641—61.2(105) Adoption by reference. The provisions of the International Mechanical Code, 2012 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, are hereby adopted by reference as the requirements for the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings, with the following amendments:

61.2(1) Delete section 101.1.

61.2(2) In section 101.2, delete the phrase “International Fuel Gas Code” and insert in lieu thereof “NFPA 54, National Fuel Gas Code, 2012 edition; NFPA 58, Liquefied Petroleum Gas Code, 2011 edition; and the state plumbing code.”

61.2(3) Delete sections 103, 104, 105, 106, 107, 108, 109, and 110 and sections therein.

61.2(4) Delete section 401.1 and insert in lieu thereof the following new section:

401.1 Scope. This chapter shall govern the ventilation of spaces within a building intended to be occupied. These buildings shall meet either the requirements of ASHRAE Standard 62.1, “Ventilation for Acceptable Indoor Air Quality,” 2010 edition, published by the American Society of Heating, Refrigeration, and Air-Conditioning Engineers, 1791 Tullie Circle N.E., Atlanta, GA 30329, or the requirements contained in this chapter. Mechanical exhaust systems, including exhaust systems serving clothes dryers and cooking appliances; hazardous exhaust systems; dust, stock, and refuse conveyor systems; slab soil exhaust systems; smoke control systems; energy recovery ventilation systems; and other systems specified in Section 502 shall comply with Chapter 5.

61.2(5) Add the following footnote “i” related to the gym, stadium, arena (play area) category of the sports and amusement occupancy classification in Table 403.3, Minimum Ventilation Rates:

i. When combustion equipment is intended to be used on the playing surface, additional dilution ventilation and/or source control shall be provided.

61.2(6) Delete appendices A and B.

61.2(7) Delete all references to the “International Plumbing Code” and insert in lieu thereof “state plumbing code.”

641—61.3(105) Hospitals and health care facilities.

61.3(1) A hospital that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the fire safety requirements of the state mechanical code if the hospital is in compliance with the provisions of rule 661—205.5(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the hospital shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

61.3(2) A nursing facility or hospice that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the fire safety requirements of the state mechanical code if the nursing facility or hospice is in compliance with the provisions of rule 661—205.10(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the nursing facility or hospice shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

61.3(3) An intermediate care facility for persons with an intellectual disability or intermediate care facility for persons with mental illness that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the fire safety requirements of the state mechanical code if the intermediate care facility is in compliance with the provisions of rule 661—205.15(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the intermediate care facility shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

61.3(4) An ambulatory health care facility that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the fire safety requirements of the state mechanical code if the ambulatory health care facility is in compliance with the provisions of rule 661—205.20(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the ambulatory health care facility shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

61.3(5) A religious nonmedical health care institution that is required to meet the provisions of the state mechanical code shall be deemed to be in compliance with the provisions of the state mechanical code if the institution is in compliance with the provisions of rule 661—205.25(100). In any other case in which an applicable requirement of the Life Safety Code is inconsistent with an applicable requirement of the state mechanical code, the religious nonmedical health care institution shall be deemed to be in compliance with the state mechanical code requirement if the Life Safety Code requirement is met.

641—61.4(105) Enforcement. Any state or local jurisdiction retaining authority to perform inspections of mechanical installations in the state of Iowa shall retain initial interpretive authority over the state mechanical code, and may implement an appeals process with respect to such interpretation. Ultimate appeal of any initial interpretation may be made to the plumbing and mechanical systems board by the filing of a petition for declaratory order pursuant to rule 641—57.1(17A), or the filing of a petition for waiver pursuant to 641—Chapter 31.

These rules are intended to implement Iowa Code section 105.4.