

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

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on [ Upon Filing ] by the  
Date prior to or same as filing date

BCD 20-2008 (TEMP)

Department of Consumer and Business Services, Building Codes Division 918  
Agency and Division Administrative Rules Chapter Number

Shauna M. Parker PO Box 14470 Salem, OR 97309 (503) 373-7438  
Rules Coordinator Address Telephone

to become effective [ Upon Filing ] through [ May 1, 2009 ].  
Date upon filing or later A maximum of 180 days including the effective date.

**RULE CAPTION**

Establishes a window label program for low volume window and exempt window related product manufacturers.  
**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

**RULEMAKING ACTION**

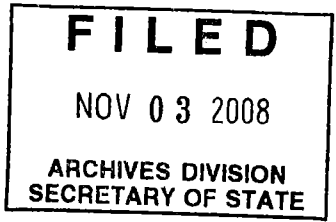
List each rule number separately, 000-000-0000.

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

**ADOPT:** 918-480-0150

**AMEND:**

**SUSPEND:**



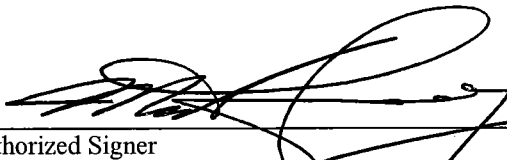
Stat. Auth.: ORS 455.525

Other Auth.:

Stats. Implemented: ORS 455.525

**RULE SUMMARY**

The proposed administrative rule establishes a labeling program for certain windows and related window products, as required by the 2008 Oregon Residential Specialty Code. Manufacturers who must participate in the labeling program are identified. Requirements of the labeling program are established.

 Mark Long 11/3/2008  
Authorized Signer Printed name Date

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005

**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Adopting OAR 918-480-0150

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Establishes a window label program for low volume window and exempt window related product manufacturers.

Statutory Authority: ORS 455.525

Other Authority:

Stats. Implemented: ORS 455.525

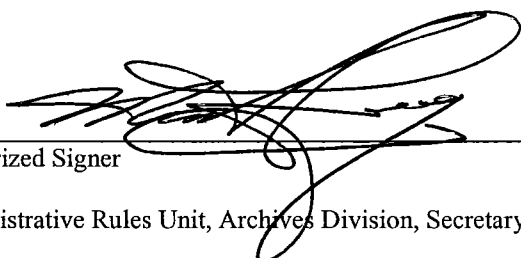
Need for the Temporary Rule(s):

Under the Oregon Residential Specialty Code, certain windows and fenestration products are exempt from thermal performance standards. A fenestration product is a window, door, or related product in the exterior envelope of a building or structure. These products must be labeled before they can be installed within the State of Oregon. Without labels that comply with the residential specialty code, manufacturers will not be able to sell certain windows and fenestration products for installation in Oregon. The proposed rule establishes requirements and standards for a labeling program that will be administered by the division.

Documents Relied Upon, and where they are available: 2008 Oregon Residential Specialty Code and temporary rule are available from the division's rules coordinator located at 1535 Edgewater Street NW, Salem, OR 97304 and are posted on the division's Web site at: [www.bcd.oregon.gov](http://www.bcd.oregon.gov).

Justification of Temporary Rule(s):

Until recently, a private contractor has managed the labeling program for the division. The contract was recently cancelled at the request of the contractor. With no private contractor to manage the program, the division must assume administration of the program. The proposed rules establish a labeling program for certain windows and fenestration products that are exempt from thermal performance testing. Under the Oregon Residential Specialty Code, these exempt products cannot be installed within the State of Oregon unless they are first labeled. Without the labeling program established by the proposed rule, manufacturers won't have access to the labels necessary to keep their products on the market. Labeling standards are set in the Oregon Residential Specialty Code, pursuant to ORS 455.525.



Mark Long  
Printed name



Date

# HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING  
A \*TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.  
(ORS 183.534)  
FOR ADMINISTRATIVE RULES

**AGENCY NAME:** Department of Consumer and Business Services, Building Codes Division  
**ADDRESS:** 1535 Edgewater St. NW, PO Box 14470  
**CITY/STATE:** Salem, Oregon  
**PHONE:** (503) 373-7529

**PERMANENT:**       **HEARING DATE:**  
**TEMPORARY:**       **EFFECTIVE DATE:**

## BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL RESULT FROM THIS PROPOSED CHANGE.

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.  
IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

**Description of proposed change:** (Please attach any draft or permanent rule or ordinance) Implements ORS 455.525 by establishing process for labeling "windows produced in low volume" and "exempt fenestration products", such as certain skylights and solariums, as identified and defined in the proposed administrative rule.

**Description of the need for, and objectives of the rule:** Under ORS 455.525, the division is required to adopt basic and uniform performance standards for certain fenestration products. The performance standards adopted by the division have been incorporated into the Oregon Residential Specialty Code and are implemented through a labeling program for windows produced in low volume and exempt fenestration products. Recently, the contractor responsible for managing the division's labeling program decided against renewing its contract with the division. The proposed rule will enable the division to oversee the labeling program and delegates responsibility for producing labels to the manufacturers of the regulated fenestration products.

**List of rules adopted or amended:** OAR 918-480-0150

**Materials and labor costs increase or savings:** The division estimates that the proposed administrative rule will cause a slight increase in materials and labor for manufacturers of windows produced in low volume and exempt fenestration products. Under the proposed rule, manufacturers will be responsible for printing their own labels and keeping a record of the labels the manufacturer attaches to windows produced in low volume and exempt fenestration products.

**Estimated administrative construction or other costs increase or savings:** The proposed rule imposes two administrative duties on manufacturers of windows produced in low volume or exempt fenestration products. First, manufacturers will be responsible for printing their own labels. Second, manufacturers will be responsible for maintaining a log in which they record the product labeled, the product's production number, and the date the label was attached to the product. Based on the information available to it at this time, the division cannot make an estimate of the proposed rule's administrative costs.

**Land costs increase or savings:** N/A

**Other costs increase or savings:** No other cost savings or increase is anticipated for detached single-family dwellings.

\*Typical-Single story 3 bedrooms, 1 ½ bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

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**PREPARERS NAME:** Matthew Barber, Policy Analyst  
**EMAIL ADDRESS:** matthew.e.barber@state.or.us

918-480-0150

**Low Volume Window Label Program**

(1) As used in this rule:

(a) "Exempt fenestration product" means a skylight or solarium that is exempt from the thermal performance standards established in the **Oregon Residential Specialty Code**.

(b) "Manufacturer" has the definition provided in Section NF1110.1 of the **2008 Oregon Residential Specialty Code**.

(c) "Window produced in low volume" has the definition provided in Section NF1110.1 of the **2008 Oregon Residential Specialty Code**.

(2) Manufacturers of windows produced in low volume or exempt fenestration products must participate in a labeling program administered by the division. Participating manufacturers shall:

(a) Print their own labels, subject to standards established in the **Oregon Residential Specialty Code**;

(b) Attach an appropriate label to each window produced in low volume or exempt fenestration product produced for installation in Oregon;

(c) Comply with any other applicable labeling requirements established in Section NF1113 of the **2008 Oregon Residential Specialty Code**; and

(d) Maintain a log in which the attachment of each label is recorded.

(3) A manufacturer participating in the division's labeling program must obtain, from the division, a log for recording the attachment of labels to either windows produced in low volume or exempt fenestration products. A participating manufacturer shall record in its log the type of window produced in low volume or exempt fenestration product that was labeled, the label's production number, and the date the label was attached. A copy of a manufacturer's labeling program log for the preceding year shall be sent to the division by no later than January 31 in each year, for the previous year. The log shall also be made available to the division upon request.

(4) Participating manufacturers may not:

(a) Sell, exchange, or transfer their labels to another manufacturer;

(b) Purchase or obtain labels produced by another manufacturer; or

(c) Produce or use labels in excess of the maximum established by Section NF1113 of the **2008 Oregon Residential Specialty Code**.

Stat. Auth.: ORS 455.525

Stat. Implemented: ORS 455.525

Status: New