

Minnesota Department of Labor and Industry

NOTICE OF WITHDRAWAL OF HEARING REQUESTS

**Proposed Amendment to and Repeal of Rules Governing the Adoption of
ANSI/ASHRAE/IES Standard 90.1-2019 Energy Standard for Buildings Except Low-Rise
Residential Buildings, Minnesota Rules, Chapter 1323; Revisor's ID Number R-04696,
OAH docket number 21-9001-38548**

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 September 19, 2022, State Register, on pages 249 to 252, the Department of Labor and Industry published a Notice of Intent to Adopt Rules relating to the adoption of ANSI/ASHRAE/IES Standard 90.1-2019 Energy Standard for Buildings Except Low-Rise Residential Buildings (“ASHRAE 90.1”). 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In response to the Notice, the Department received 50 hearing requests, however, 31 hearing requests were subsequently withdrawn.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 The hearing requests were withdrawn because the Department agreed to change the proposed rule language by adding part 1323.0656, subpart 1, to modify exception 2 to section 6.5.6.1.1 of ASHRAE 90.1 as follows:

1346.0656 ENERGY RECOVERY.

Subpart 1. **ASHRAE 90.1 section 6.5.6.1.1 Nontransient dwelling units.**
ASHRAE 90.1 section 6.5.6.1.1 is amended by modifying exception 2 to read as follows:

2. Nontransient dwelling units with no more than 750 ft² of conditioned floor area.

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 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.

10/27/22

Date

Nicole Blissenbach, Temporary Commissioner
Department of Labor and Industry