

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Board of Heating, Air Conditioning & Refrigeration Contractors
Rule No. 440-X-3-.16
Rule Title: Duct Air Tightness Testing Contractor
 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's
Police power and the protection of the public health,
Safety or welfare? Yes

Is there another, less restrictive method of regulation
Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or
Indirectly increasing the costs of any goods or services
Involved and, if so, to what degree? Yes

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule? No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? Yes

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by
a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama,
1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the
Requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all
applicable filing requirements of the Administrative Procedure Division of the Legislative
Reference Service.

Signature of certifying officer Kathy S. C...

Date: 7/21/15

(DATE FILED)
(STAMP)

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07/04

Alabama State Board of Heating, Air Conditioning & Refrigeration Contractors

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Heating, Air Conditioning & Refrigeration Contractors

RULE NO. & TITLE: 440-X-3-.16 Duct Air Tightness Testing Contractor

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The Board proposes a rule to require all duct air tightness testing contractors to register with the Board.

TIME, PLACE, MANNER OF PRESENTING VIEW:

Comments may be submitted in writing or orally at a public hearing to be held at 9:00am, September 10, 2015, at the Board's office located at 121 Coosa Street, Suite 250, Montgomery, Alabama 36104.

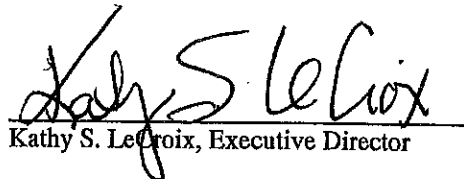
FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

September 10, 2015

CONTACT PERSON AT AGENCY:

Kathy LeCroix

(334) 241-0840


Kathy S. LeCroix, Executive Director

440-x-3.16 Duct Air Tightness Testing Contractor Registration

- (1) The Duct Air Tightness Testing (DATT) Contractor Registration is for individuals who perform duct leakage and duct tightness testing on heating and air conditioning systems in conjunction with energy code compliance as required by the International Energy Conservation Code or the Alabama Residential Energy Code Board. Each Duct Air Tightness Testing Contractor is an independent Registration. Renewal of the DATT Registration is required annually.

- (2) Any individual applying for a Duct Air Tightness Contractor Registration must complete their registration on a form prescribed by the Board and will be issued a separate registration. Prior to being issued a registration, he or she must first provide proof that they have successfully completed one of the following approved programs:
 - (a) Home Builders Association of Alabama Qualified Credentialed Air Tightness Verifier (QCATV).

 - (b) Building Performance Institute Building Analyst Training (BPI Energy Auditor).

 - (c) Residential Energy Services Network Home Energy Rating System (RESNET HERS Rater).

Author: Jeffrey Becraft, Kathy S. LeCroix

Statutory Authority: *Code of Alabama 1975*, Section 34-31-24(4)(1); Act No. 2015-169

History: Filed June 29, 2015

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ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. _____ Department or Agency: Board of Heating, Air Conditioning & Refrigeration Contractors

Rule No. 440-X-3-.16

Rule Title: Duct Air Tightness Testing Contractors Registration

New Amend Repeal Adopt by Reference

This rule has no economic impact

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

This rule is to implement the Alabama Residential Energy Code Board's rules.

2. COST/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATE PURPOSE:

Pursuant to the Alabama Residential Energy Code Board, duct air tightness testing must be done on all new residential construction. Regulating these contractors allows the Board to enforce these rules and adequately protect consumers.

3. EFFECT OF THIS RULE ON COMPETITION:

None

4. EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

There is a slight increase in the costs an applicant must spend in order to renew annually.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

This rule will protect the consumer by determining the integrity of the duct systems being installed in their home.

6. SOURCE OF REVENUE TO USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Registration Fees

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

Cost only applies to applicants and is not oppressive.

8. UNCERTANTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTTTATIVE BENEFITS AND BURDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

Pursuant to the Alabama Residential Energy Code this will help decrease the cost of energy on new construction in Alabama.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLIMENTED:

If this rule is not implemented the State of Alabama will not be in compliance with the federal rules regarding energy conservation.