



September 16, 2008

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**Moisture content in construction materials**

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**Opportunity for public input:**

Those who would like to provide public testimony may attend a public hearing on September 16, 2008 at 10:00 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. September 19, 2008.

**Purpose of the rule:**

This proposed rule clarifies the requirements for contractors or owner-builders documenting moisture content in construction materials and providing that information to the local jurisdiction.

This rule would become effective October 1, 2008.

**Citation:**

Amend: OAR 918-480-0010

**History:**

The 2008 Oregon Residential Specialty Code (ORSC) requires contractors to provide written notification of the moisture content of wood framing members to the local jurisdiction. Confusion has risen over the enforcement of this provision, causing disruption of construction projects. The Oregon Residential Structures Board, at the board's July meeting, approved this proposed code amendment. A temporary rule is currently in place implementing this requirement. The temporary rule ensures construction projects are not disrupted until the permanent rule is adopted by the division.

**Contact:**

If you have questions or need further information, please contact Hearing Officer Kristy Nielsen at 503-378-6273, or [Kristy.M.Nielsen@state.or.us](mailto:Kristy.M.Nielsen@state.or.us).



Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form.

|   |                                     |
|---|-------------------------------------|
| 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       |
| Rules Coordinator   | (503) 373-7438                      |
|   | Address Telephone                   |

**RULE CAPTION**

Amends Oregon Residential Specialty Code sections relating to moisture content in construction materials.

**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

|                    |            |   |                  |
|--------------------|------------|---|------------------|
| September 16, 2008 | 10:00 a.m. | 1535 Edgewater Street NW, Salem, OR 97304 | Kristy Nielsen   |
| Hearing Date       | Time       | Location                                  | Hearings Officer |

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

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

**ADOPT:**

**AMEND:** OAR 918-480-0010

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 455.020, 455.110, 455.525, & 455.610

Other Auth.:

Stats. Implemented: ORS 455.610

**RULE SUMMARY**

This proposed rule amends the Oregon Residential Specialty Code in order to clarify a section requiring contractors or owner-builders to provide written notification that the moisture content of wood framing members does not exceed 19%. The proposed rule requires contractors or owner-builders to acknowledge on a Building Codes Division-approved form that they are aware of the code provision and have taken steps to ensure compliance with the code. The rule clarifies that moisture content of wood framing members is not subject to inspection by the authority having jurisdiction.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Friday, September 19, 2008 at 5:00 p.m.

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

|           |              |
|-----------|--------------|
| Mark Long |              |
| Signature | Date         |
|           | Printed name |

\*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15<sup>th</sup> day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

Amends Oregon Residential Specialty Code sections relating to moisture content in construction materials.

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

In the Matter of: Amending OAR 918-480-0010.

Statutory Authority: ORS 455.020, 455.110, 455.525, & 455.610.

Other Authority:

Stats. Implemented: ORS 455.610.

Need for the Rule(s): When the code section requiring contractors to provide written notification of the moisture content of wood framing members was added to the most recent edition of the Oregon Residential Specialty Code, confusion surrounding this provision led to inconsistent compliance and enforcement of that code section. This rule change clarifies and simplifies the compliance process and ensures that construction projects are not disrupted due to varying enforcement methodologies among different jurisdictions.

Documents Relied Upon, and where they are available: 2008 Oregon Residential Specialty Code, minutes from the July 2, 2008 meeting of the Residential Structures Board, and draft rules are available from the division's rules coordinator located at 1535 NW Edgewater Street, Salem, Oregon, 97304 and are posted on the division's website:

[www.bcd.oregon.gov](http://www.bcd.oregon.gov).

Fiscal and Economic Impact:

This proposed rule will have a slight economic impact on local jurisdictions, the division, and small businesses regarding administrative and record keeping costs. The cost increase will not be significant. The proposed rule clarifies that the moisture content of wood framing members is not subject to inspection. This clarification will reduce costs to jurisdictions who are currently performing additional inspections simply to check moisture content of wood framing. Creating a uniform procedure under this rule may provide economic benefit to contractors who experienced delay and uncertainty with their residential construction projects as a result of the inconsistent enforcement of this code provision in the past.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

This proposed rule will not have any cost impact on state agencies, local government or the public. The Oregon Residential Specialty Code already required contractors or owner-builders to provide notification of compliance with moisture content requirements; this rule is providing for a uniform method of compliance.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

The Construction Contractors Board currently has over 46,000 licensees, many of whom perform residential construction work. Estimating how many of these contractors operate "small businesses" with 50 or fewer employees is not possible.

b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services:

This proposed rule will not have an impact on reporting, record keeping or other administrative activities because notice was already required by the code. This rule is intended to provide a uniform and simple method of compliance with the code requirement.

c. Equipment, supplies, labor and increased administration required for compliance:

These proposed rules do not impose any additional equipment, supplies, or labor requirements on small businesses.

How were small businesses involved in the development of this rule?

Small businesses are represented on the Residential Structures Board which discussed this code amendment at its July 2, 2008 meeting.

Administrative Rule Advisory Committee consulted?: No.

If not, why?: The Residential Structures Board provided input on this rule. The board represents a wide segment of the construction industry.

Mark Long

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Signature

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

# 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., PO Box 14470  
**CITY/STATE:** Salem, Oregon  
**PHONE:** (503) 373-7529

**PERMANENT:**       **HEARING DATE:** 9/16/08

**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) Amends Oregon Residential Specialty Code sections relating to moisture content in construction materials.

**Description of the need for, and objectives of the rule:** When the code section requiring contractors to provide written notification of the moisture content of wood framing members was added to the most recent edition of the Oregon Residential Specialty Code, confusion surrounding this provision led to inconsistent compliance and enforcement of that code section. This rule change clarifies and simplifies the compliance process and ensures that construction projects are not disrupted due to varying enforcement methodologies among different jurisdictions.

**List of rules adopted or amended:** OAR 918-480-0010

**Materials and labor costs increase or savings:** This proposed rule will not create an increase or savings in costs of materials or supplies. The Oregon Residential Specialty Code already required contractors or owner-builders to provide notification of compliance with moisture content requirements; this rule is providing for a uniform method of compliance.

**Estimated administrative construction or other costs increase or savings:** This proposed rule will not have an impact on administrative or construction costs since it is not adding additional requirements, but merely clarifying procedure.

**Land costs increase or savings:** None

**Other costs increase or savings:** When the acknowledgement requirements were first placed in the code, contractors reported disruptions in construction projects based on inconsistent or unpredictable enforcement practices among the different jurisdictions. By providing a uniform method of compliance with the code provision, this rule will prevent such delays and any costs associated with the delays.

\*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:** Kristy Nielsen, Policy Analyst  
**EMAIL ADDRESS:** [Kristy.M.Nielsen@state.or.us](mailto:Kristy.M.Nielsen@state.or.us)

**ORSC Moisture Content Rule  
Draft- 8-4-08**

**918-480-0010**

**Amendments to the Oregon Residential Specialty Code**

(1) The **Oregon Residential Specialty Code** is adopted and amended pursuant to OAR chapter 918, division 8. Amendments adopted for inclusion into the **Oregon Residential Specialty Code** are placed in this rule, showing the section reference, a descriptive caption, and a short description of the amendment.

(2) Effective April 1, 2008:

(a) The 2006 Edition of the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials and amended by the division are adopted as the plumbing provisions of the **Oregon Residential Specialty Code**; and

(b) The 2008 Edition of the NFPA 70, National Electrical Code and amended by the division are adopted as the electrical provisions of the **Oregon Residential Specialty Code**. See OAR chapter 918, division 305 for Oregon amendments to NFPA 70, National Electrical Code.

(c) Effective April 1, 2007 Appendix N, Low-Rise Multiple-Family Dwelling Construction is moved from the 2005 Oregon Residential Specialty Code to the **2007 Oregon Structural Specialty Code**.

(3) During the phase-in period established in OAR 918-480-0005(3), plans designed to the **2005 Oregon Residential Specialty Code** must use the plumbing and electrical provisions included in that 2005 code; plans designed to the **2008 Oregon Specialty Residential Specialty Code** must use the plumbing and electrical provisions adopted in this rule.

**(4) Effective October 1, 2008, the 2008 Oregon Residential Specialty Code is amended as follows:**

**(a) Section R 109.1.4.1 is deleted and replaced with the following: The requirement in R318.2 that all moisture-sensitive wood framing members used in construction shall have a moisture content of not more than 19 percent of the weight of dry wood framing members is not subject to inspection by the authority having jurisdiction.**

**(b) Section R318.2 is amended to read: Moisture content. Prior to issuance of the insulation/vapor barrier approval required by R109.1.5.2 of this code:**

**(A) All moisture-sensitive wood framing members used in construction shall have a moisture content of not more than 19 percent of the weight of dry wood framing members.**

**(B) The general contractor or the owner who was issued the structural permit shall notify the building official on a division-approved form that the contractor or the owner who was issued the structural permit is aware of and has taken steps to meet the requirement in paragraph (A).**

[Publications: Publications referenced are available for review at the division agency. See ~~division web site for information on where to purchase publications.~~]

Stat. Auth.: ORS 455.020, 455.110, 455.525 & 455.610

Stats. Implemented: ORS 455.610

Hist.: BCA 18-1993, f. 8-24-93, cert. ef. 8-29-93; BCA 28-1993, f. 10-22-93, cert. ef. 1-1-94; BCA 29-1993, f. 11-24-93, cert. ef. 12-1-93; BCD 6-1995, f. 3-31-95, cert. ef. 4-1-95; BCD 3-1996, f. 2-2-96, cert. ef. 4-1-96; BCD 22-1996(Temp), f. 10-1-96, cert. ef. 10-4-96; BCD 5-1997, f. 3-21-97, cert. ef. 4-1-97; Administrative Reformatting 1-19-98; BCD 3-1998, f. 1-29-98, cert. ef. 4-1-98; BCD 19-1998, f. 9-30-98, cert. ef. 10-1-98; BCD 3-2000, f. 1-14-00 cert. ef. 4-1-00; BCD 19-2000(Temp), f. & cert. ef. 8-15-00 thru 2-10-01; BCD 32-2000, f. 12-27-00, cert. ef. 1-1-01; BCD 3-2001, f. 2-9-01, cert. ef. 3-1-01; BCD 2-2002, f. 3-5-02, cert. ef. 4-1-02; BCD 22-2002(Temp), f. 9-13-02 cert. ef. 10-1-02 thru 3-29-03; BCD 30-2002, f. 12-6-02, cert. ef. 1-1-03; BCD 1-2003(Temp), f. & cert. ef. 1-10-03 thru 3-31-03; BCD 33-2002, f. 12-20-02 cert. ef. 4-1-03; BCD 15-2004, f. 9-10-04, cert. ef. 10-1-04; BCD 5-2005, f. & cert. ef. 3-28-05; BCD 9-2006, f. 6-30-06, cert. ef. 7-1-06; BCD 1-2007, f. 2-15-07, cert. ef. 4-1-07; BCD 5-2008, f. 2-22-08, cert. ef. 4-1-08

## Moisture Content Acknowledgement Form

I, \_\_\_\_\_, am the general contractor or the owner-builder at the following address:

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
Permit#

If applicable:

\_\_\_\_\_  
Subdivision/Lot

and/or

\_\_\_\_\_  
Map and Tax Lot

To conform with the 2008 Oregon Residential Specialty Code (ORSC), Section R318.2, I am notifying the building official that I am aware of the moisture content requirement of ORSC Section R318.2 and have taken steps to meet this code requirement. [Section R318.2 is provided for reference.]

**Section R318.2 Moisture content.** Prior to issuance of the insulation/vapor barrier approval required by R109.1.5.2 of this code:

(A) All moisture-sensitive wood framing members used in construction shall have a moisture content of not more than 19 percent of the weight of dry wood framing members.

(B) The general contractor or the owner who was issued the structural permit shall notify the building official on a division approved form that the contractor or the owner who was issued the structural permit is aware of and has taken steps to meet the requirement in paragraph (A).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date