

Plumbing Board Request for Action

PRINT IN INK or TYPE

NAME OF SUBMITTER Joel Hipp	PURPOSE OF REQUEST (check all that apply): <input type="checkbox"/> New Code <input checked="" type="checkbox"/> Code Amendment <input type="checkbox"/> Repeal of an existing Rule
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The Minnesota Plumbing Code (MN Rules, Chapter 4714) is available at www.dli.mn.gov/CCLD/PlumbingCode.asp

Specify the purpose of the proposal: If recommendation for code change for appurtenance or method (check all that apply)

Appurtenance (e.g., water conditioning equipment) Test Method
 Other (describe) Improve wording in the Plumbing Code that is currently design restrictive.

Does your submission contain a Trade Secret? Yes No

If Yes, mark “**TRADE SECRET**” prominently on each page of your submission that you believe contains trade secret information. Minnesota Statutes, section 13.37, subdivision 1(b), defines “trade secret” as follows:

“Trade secret information” means government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.

Note that, although “trade secret” information is generally not public, the Board and its committees may disclose “trade secret” information at a public meeting of the Board or committee if reasonably necessary for the Board or committee to conduct the business or agenda item before it (such as your request.) The record of the meeting will be public.

Describe the proposed change. The Minnesota Plumbing Code (Minnesota Rules Chapter 4714) is available via the World Wide Web at <http://www.revisor.leg.state.mn.us/arule/4714/>

NOTE:

- Please review the Minnesota Plumbing Code and include all parts of the Code that require revision to accomplish your purpose.
- The proposed change, including suggested rule language, should be *specific*. If modifying existing rule language, underline new words and ~~strike through deleted words~~. Please list all areas of the Minnesota Plumbing Code that would be affected.

Requested change: Replace the words "No valve downstream" with "have outlet open to atmospheric pressure" in Table 603.2, Atmospheric Vacuum Breaker Installation.

Office Use Only

RFA File No. PB0100	Date Received by DLI 10/17/2018	Dated Received by Committee	Date of Forwarded to Board 10/17/2018
Title of RFA	By:		

Committee Recommendation to the Board: Accept Reject Abstain
 Board approved as submitted: Yes No Board approved as modified: Yes No

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI).

Need and Reasons For the Change. Thoroughly explain the need and why you believe it is reasonable to make this change. During a rulemaking process, the need and reasonableness of all proposed rule changes must be justified; therefore, a detailed explanation is necessary to ensure the Board thoroughly considers all aspects of the proposal. Rationale: This action will allow the Minnesota Plumbing Code to conform to the latest ASSE 1001 standard.

Need: This action is necessary so that current designs that are certified to a third-party ANSI consensus standard can be allowed to be installed and operated without modifications that would void their certification.

Background: There are designs on the market that have a supplemental valve downstream from the AVB but after a "TEE" which allows the device to always remain under atmospheric pressure. Therefore it meets the intent of the code. The code should state the objective rather than a specific design so that technology can evolve with fewer restrictions.

Minnesota Rules Chapter 4714 references the 2012 Uniform Plumbing Code. 4714.0603 Subpart 1, Section 603.2 states, "UPC Table 603.2 is not amended." UPC Table 603.2 details the installation requirements for atmospheric vacuum breakers (AVB). It states "No valve downstream". The intent of that wording is to prevent back-pressure on the AVB. The ASSE standard 1001-2017 for Atmospheric Vacuum Breakers was updated to replace the words "be installed downstream of the last control valve" with "have its outlet open to atmosphere". We are merely asking the Minnesota Plumbing Code be updated to the latest wording in the ASSE 1001-2017 standard.

If your product/method standard(s) is not currently listed in both national codes, your Request For Action will not be considered by the Board or its committees, however, you are welcome to present at any Board meeting during the Open Forum section of the Agenda.

The proposal must be accompanied by copies of any published standards, the results of testing, and copies of any product listings, as documentation of the health, sanitation and safety performance of any materials, methods, fixtures, and/or appurtenances. If none are available, please explain:

Attached copies of: ASSE 1001-2017, NSF Listing for Hobart CLe series commercial dishmachines.

Please attach electronic scanned copies of any literature, standards and product approvals or listings. Printed or copyrighted materials, **along with written permission from the publisher to distribute the materials at meetings**, should be sent to the Plumbing Board, c/o Department of Labor and Industry, 443 Lafayette Road No., St. Paul, MN 55155-4344.

Primary reason for change: (check only one)

- | | |
|---|--|
| <input type="checkbox"/> Protect public, health, safety, welfare, or security | <input type="checkbox"/> Mandated by legislature |
| <input type="checkbox"/> Lower construction costs | <input type="checkbox"/> Provide uniform application |
| <input type="checkbox"/> Encourage new methods and materials | <input checked="" type="checkbox"/> Clarify provisions |
| <input type="checkbox"/> Change made at national level | <input type="checkbox"/> Situation unique to Minnesota |
| <input type="checkbox"/> Other (describe) _____ | |
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Anticipated benefits: (check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Save lives/reduce injuries | <input checked="" type="checkbox"/> Provide more affordable construction |
| <input type="checkbox"/> Improve uniform application | <input type="checkbox"/> Provide building property |
| <input type="checkbox"/> Improve health of indoor environment | <input type="checkbox"/> Drinking water quality protection |
| <input checked="" type="checkbox"/> Provide more construction alternatives | <input type="checkbox"/> Decrease cost of enforcement |
| <input checked="" type="checkbox"/> Reduce regulation | <input checked="" type="checkbox"/> Other (describe) <u>Maintain third-party certifications for appliances.</u> |
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Economic impact: (explain all answers marked "yes")

1. Does the proposed change increase or decrease the cost of enforcement? Yes No If yes, explain
It decreases the cost of enforcement by allowing a single inspection rather than multiple inspections to modify a design and re-inspect.

2. Does the proposed change increase or decrease the cost of compliance? Yes No If yes, explain
Include the estimated cost increase or decrease, and who will bear the cost increase or experience the cost decrease:
It decreases the cost by eliminating the need to modify the appliance backflow preventer.

3. Are there less costly or intrusive methods to achieve the proposed change? Yes No If yes, explain

4. Were alternative methods considered? Yes No If no, why not? If yes, explain what alternative methods were considered and why they were rejected.
Two AVBs instead of one were considered but they would provide twice the risk of future device failures.

5. If there is a fiscal impact, try to explain any benefit that will offset the cost of the change. If there is no impact, mark "N/A." N/A

6. Provide a description of the classes of persons affected by a proposed change, who will bear the cost, and who will benefit. There is no additional cost for this proposed change and end users, such as schools, will benefit by not paying a premium for a replacement backflow preventer that is not needed.

7. Does the proposed rule affect farming operations? (Agricultural buildings are exempt from the Minnesota Building Code under Minnesota Statutes, Section 326B.121.) Yes No If yes, explain

Are there any existing Federal Standards? Yes No If yes, list:

Are there any differences between the proposed change and existing federal regulations? Yes No
 Not applicable Unknown If yes, describe each difference & explain why each difference is needed & reasonable.

Minnesota Statutes, section 14.127, requires the Board to determine if the cost of complying with proposed rule changes in the first year after the changes take effect will exceed \$25,000 for any small business or small city. A small business is defined as a business (either for profit or nonprofit) with less than 50 full-time employees and a small city is defined as a city with less than ten full-time employees.

During the first year after the proposed changes go into effect, will it cost more than \$25,000 for any small business or small city of comply with the change? Yes No If yes, identify by name the small business(es) or small city(ies).

Will this proposed plumbing code amendment require any local government to adopt or amend an ordinance or other regulation in order to comply with the proposed plumbing code amendment? Yes No, If yes, identify by name the government(s) and ordinances(s) that will need to be amended in order to comply with the proposed plumbing code amendment.

Additional supporting documentation may also be attached to this form. Are there any additional comments you feel the Committee/Board may need to consider? If so, please state them here:

Iapmo has provided correspondence indicating that this proposed design meets the intent of the UPC. A proposal has also been submitted to update the UPC accordingly.

Information regarding submitting this form:

- Submissions are received and heard by the Committee on an “as received” basis. **Any missing documentation will delay the process, and your proposal will be listed as the date it was received “Complete.”**
- **Submit any supporting documentation to be considered**, such as manufacturer’s literature, approvals by other states, and engineering data electronically to DLI.CCLDBOARDS@state.mn.us. Once your Request For Action form has been received, it will be assigned a file number. Please reference this file number on any correspondence and supplemental submissions.
- **For copyrighted materials that must be purchased from publishers, such as published standards, product approvals or testing data, listings by agencies (IAPMO, ASSE, ASTM, etc.,) you may send just 2 copies, along with written permission from the publisher to distribute the materials at meetings, via U.S. Mail to: Plumbing Board, c/o Department of Labor and Industry, 443 Lafayette Road No., St. Paul, MN 55155-4344.**
- **For materials that must be submitted by U.S. Mail, please include a copy of your “Request For Action” form originally submitted and reference your assigned RFA file number.**

Information for presentation to the Committee and/or Board:

- Limit presentations to 5 minutes or less.
- Be prepared to answer questions regarding the proposal and any documentation.

Information regarding Committee and/or Board function:

- The Plumbing Board or designated Committee.

I understand that any action is a recommendation to the Plumbing Board and is not to be considered final action.

NAME AND E-MAIL ADDRESS	FIRM NAME
Joel F. Hipp	Hobart, Div ITW Food Equipment Group

NAME, PHONE NUMBER AND E-MAIL ADDRESS OF PRESENTER TO THE COMMITTEE (if different):

ADDRESS	CITY	STAT	ZIP CODE
701 S. Ridge Ave	Troy	OH	45374

PHONE	SIGNATURE (original or electronic)	DATE
937-332-2836	Joel F. Hipp	2018-10-16

For Assistance or questions on completing this form, contact Cathy Tran, Department of Labor and Industry at 651-284-5898.

For Office/Committee Use Only Proposal received completed? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Date Proposer notified of gaps:	Mode of notification (e.g., e-mail)	Date returned to Proposer:	Date materials re-received: