

## Plumbing Board Request for Action

PRINT IN INK or TYPE

<b>NAME OF SUBMITTER</b> Steve Tiedman	<b>PURPOSE OF REQUEST</b> (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 <http://www.dli.mn.gov/CCLD/PlumbingCode.asp>.

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

- Appurtenance (e.g., water conditioning equipment)   
  Test Method  
 Other (describe) \_\_\_\_\_

**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.

Code text:

2015 Minnesota Plumbing Code, Section 603.5.10 Steam or Hot Water Boilers. Potable water connections to steam or hot water boilers shall be protected from backflow by a double check valve backflow prevention assembly or reduced pressure principle backflow prevention assembly in accordance with Table 603.2. Where chemicals are introduced into the system a reduced pressure principle backflow prevention assembly shall be provided in accordance with Table 603.2.

Exception: Boilers of 1- and- 2 family dwelling units that utilize only potable water as the heat transfer media with no chemical treatments and are limited to working pressures of 30psi-gauge, shall have the potable water connection protected by a double check valve with intermediate atmospheric vent meeting ASSE 1012, and shall not be subject to the testing requirements of Section 603.4.2.

**Office Use Only**

RFA File No. PB0116	Date Received by DLI 1.15.2019	Dated Received by Committee	Date Forwarded to Board
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Title of RFA	By:
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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 audio. To request, call 1-800-342-5354.**

**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.

Previous versions of the Minnesota Plumbing Code (MPC), including the version immediately preceding our current Plumbing Code, have permitted, at 1-and-2 family dwelling units, an air gap (which would require a break tank and pump), or testable, or non-testable devices (RPZ for hazardous installations, and double check valve w/ int. atmospheric vent, DCVIAV, for low hazard installations) to be installed on the potable water connection to these boilers. (2012 MPC 4715.1940, 4715.2100, 4715.2110).

My concern is that our current 2015 MPC, Sec 603.4.2 Testing, requires the premises owner or responsible party to have the devices required by Sec. 603.5.10 tested annually. This causes an undue financial burden (\$150-200 and up) to the owner of a 1-and-2 family dwelling unit to hire a licensed testing contractor for this annual test, especially in light that the previous MN Plumbing Codes approved the use of listed non-testable DCVIAV devices (in low-hazard installations) at the boilers in these buildings. The only thing that changed between code versions was the text itself; the adopted 2012 Uniform Plumbing Code not having language that allowed for the listed, non-testable device. I do not know if a SONAR (statement of need and reasonableness) document exists in regard to this change to require only testable devices (from the 2012 MPC to the 2015 MPC), but the burden of testing these devices, geographically, will fall mainly in older urban centers and scattered older rural properties across the state (modern 1-and-2 family dwelling units rarely depend upon boilers as heating systems) that are likely populated by people who can least afford another annual fee in their household budget. Was there an issue of failures of listed ASSE 1012 DCVIAV devices leading to water contamination that prompted prohibition of their use in low-hazard situation in 1-and-2 family dwellings?

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:

The 2015 MPC, Table 1401.1 Referenced Standards, recognizes ASSE 1012-2009\* (\*= ANSI designated as an American National Standard), the standard DCVIAV devices shall comply with. Table 1401.1 for ASSE 1012-2009 refers to MPC Sections 301.1.2 Standards, and 301.2 Alternative Materials and Methods of Construction Equivalency. "...Unless prohibited by this code or by law, the Authority Having Jurisdiction shall have the authority to approve or disapprove the system, method, or device for the intended purpose." Therefore, it stands to reason there may already be Minnesota jurisdictions allowing the listed ASSE 1012 DCVIAV device at 1-and-2 family dwelling units, using the rationale that the previous editions of the MPC allowed the ASSE 1012 DCVIAV device, and no justification has even been offered by the State of MN as to why their use became prohibited simply by adopting a new document as the State Plumbing Code.

I am not including a copy of the ASSE 1012-2009 standard at this time. This is a copywritten document that costs a minimum of \$45 to purchase from ANSI, it is not available as a free download. Web link to purchase-<https://webstore.ansi.org/Standards/ASSE-Sanitary/ANSIASSE10122009>

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)

- Protect public, health, safety, welfare, or security
- Lower construction costs
- Encourage new methods and materials
- Change made at national level
- Other (describe) Undue burden to the public, 2015 code requirements may not satisfy the SONAR requirements.
- Mandated by legislature
- Provide uniform application
- Clarify provisions
- Situation unique to Minnesota

**Anticipated benefits:** (check all that apply)

- Save lives/reduce injuries
- Improve uniform application
- Improve health of indoor environment
- Provide more construction alternatives
- Reduce regulation
- Other (describe) \_\_\_\_\_
- Provide more affordable construction
- Provide building property
- Drinking water quality protection
- Decrease cost of enforcement

**Economic impact:** (explain all answers marked "yes")

1. Does the proposed change increase or decrease the cost of enforcement?  Yes  No If yes, explain

Decrease, municipalities will not have to administer these properties in a testable device tracking/monitoring program.

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:

I have no monetary figures to offer, but the public will experience a cost decrease by not having to purchase the expensive testable device, and perform its required annual test, and the municipality will not have to budget for labor to track the testing of the devices.

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.

The proposed language is the alternative method to the standing code language.

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.

The class of person affected is every owner of a boiler in a 1-and-2 family dwelling unit. There will be no additional cost to them, and they will save on initial device installation and annual testing expenses.

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

Only if the boiler is in the dwelling unit located on the farm.

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

Unknown.

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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.

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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).

Unknown.

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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.

Unknown, but if any unit of government has a program that is tracking the testing of these devices at 1-and-2 family dwelling units, they can then simply halt that process if it is no longer required. Even if an individual boiler is now fitted with a testable device, if the code change would affect that particular device, a government body could elect to simply stop requiring its annual testing.

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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:

**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](mailto: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 committee action is a recommendation to the Plumbing Board and is not to be considered final action.

SUBMITTED BY NAME	FIRM NAME	SUBMITTER'S E-MAIL ADDRESS
Steve Tiedman, Building Inspector	City of Brooklyn Park	steve.tiedman@brooklynpark.org
NAME, PHONE NUMBER & E-MAIL ADDRESS OF PRESENTER TO THE COMMITTEE (if different):		

ADDRESS	CITY	STATE	ZIP CODE
5200 85 <sup>th</sup> Ave N	Brooklyn Park	MN	55443
PHONE	SIGNATURE (original or electronic)	DATE	
763-315-8449	Steve Tiedman	January 14, 2019	

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

<b>For Office/Committee Use Only</b> 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: