

Plumbing Board
c/o Department of Labor and Industry
443 Lafayette Road North
St. Paul, MN 55155-4344
www.dli.mn.gov

Plumbing Board Request for Action

PRINT IN INK or TYPE

NAME OF SUBMITTER

Jason Shank

PURPOSE OF REQUEST (check all that apply): New Code
 Code Amendment Repeal of an existing Rule

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) Clarifies and organizes existing language with industry-accepted practices and new standards.

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.

611.1.2 Manufacture and Assembly. Water conditioning equipment shall: (1) be manufactured as a complete system; or (2) be assembled as a complete system by a licensed plumbing contractor or licensed water conditioning contractor, using various types of water conditioning equipment. Wetted surface materials used in water conditioning equipment shall comply with ANSI/NSF 61 standards, or the equipment shall comply with the applicable NSF standards as listed in Table 1401.1. Drinking water treatment units shall comply with the applicable referenced standards in Table 611.1.2.

Table 611.1.2
Drinking Water Treatment Units

<u>Application</u>	<u>Residential</u>		<u>Commercial</u>
	<u>Point of Use</u>	<u>Point of Entry</u>	
<u>Aesthetic Contaminant Reduction (filters)</u>	<u>NSF 42</u>	<u>NSF 42</u>	<u>NSF 42* and ASSE 1087</u>
<u>Health Related Contaminant Reduction (filters)</u>	<u>NSF 53</u>	<u>NSF 53</u>	<u>NSF 53* and ASSE 1087</u>
<u>Water Softener</u>	<u>--</u>	<u>NSF 44</u>	<u>ASSE 1087</u>
<u>Ultraviolet Water Treatment</u>	<u>NSF 55</u>	<u>NSF 55</u>	<u>ASSE 1087</u>
<u>Reverse Osmosis</u>	<u>NSF 58</u>	<u>NSF 61</u>	<u>ASSE 1087</u>
<u>Distillation</u>	<u>NSF 62</u>	<u>NSF 62</u>	<u>ASSE 1087</u>

* Required for commercial modular systems only

203.0 -C-

Commercial Modular System. A drinking water treatment unit system consisting of multiple components attached to a manifold produced specifically for food service applications, and not intended for use in residential applications.

218.0 -P-

Point-of-Entry, Water Treatment Unit. A device serving the water distribution system of a building for the purposes of altering, modifying, adding, or removing minerals, chemicals, contaminants, and suspended solids in the water.

Point-of-Use, Water Treatment Unit. A device serving a single atmospheric outlet such as a faucet for the purposes of altering, modifying, adding, or removing any minerals, chemicals, contaminants, and suspended solids in water.

Table 1401.1

<u>Standard Number</u>	<u>Standard Title</u>	<u>Application</u>	<u>Referenced Section</u>
<u>ASSE 1087-2018</u>	<u>Commercial and Food Service Water Treatment Equipment Utilizing Drinking Water</u>	<u>Water Conditioning, Water Treatment</u>	<u>Table 611.1.2</u>
<u>NSF 42-2017 2009</u>	<u>Drinking Water Treatment Units–Aesthetic Effects Appliances</u>	<u>Appliances</u>	<u>611.1, Table 611.1.2, 611.3</u>
<u>NSF 44-2017 2009</u>	<u>Residential Cation Exchange Water Softeners Appliances</u>	<u>Appliances</u>	<u>611.1, Table 611.1.2, 611.3</u>
<u>NSF 53-2017 2009e</u>	<u>Drinking Water Treatment Units–Health Effects Appliances</u>	<u>Appliances</u>	<u>611.1, Table 611.1.2, 611.3, K 104.2.1, L 504.2.1</u>
<u>NSF 55-2017 2009</u>	<u>Ultraviolet Microbiological Water Treatment Systems</u>	<u>Appliances</u>	<u>611.1, Table 611.1.2, 611.3</u>
<u>NSF 58-2017 2009</u>	<u>Reverse Osmosis Drinking Water Treatment Systems Appliances</u>	<u>Appliances</u>	<u>611.1, Table 611.1.2, 611.2, 611.3</u>
<u>NSF 61-2017 2010a</u>	<u>Drinking Water System Components– Health Effects Water Supply Components</u>	<u>Water Supply Components</u>	<u>415.1, 417.1, Table 611.1.2, 604.1, 604.8, 606.1, 607.2, 608.2</u>
<u>NSF 62-2017 2009</u>	<u>Drinking Water Distillation Systems</u>	<u>Appliances</u>	<u>611.1, Table 611.1.2, 611.3</u>

218.0 -P-

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RFA File No. PB0145	Date Received by DLI 10.7.2019	Dated Received by Committee	Date Forwarded to Board
Title of RFA	By:		
Committee Recommendation to the Board: <input type="checkbox"/> Accept <input type="checkbox"/> Reject <input type="checkbox"/> Abstain			
Board approved as submitted: <input type="checkbox"/> Yes <input type="checkbox"/> No		Board approved as modified: <input type="checkbox"/> Yes <input type="checkbox"/> 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.

For decades the NSF drinking water treatment unit standards have been the only standards referenced by the Minnesota Plumbing Code covering residential and some commercial applications. The NSF standards address:

- 1) Material Safety- testing to ensure materials used are safe from a chemical extraction standpoint,
- 2) Structural integrity - testing systems for intended pressure applications,
- 3) Contaminant Reduction Performance - verifying that the product reduces contaminants from the water as claimed.

While the NSF standards cover most treatment applications, there are a few applications that fall outside their current scope. Large commercial water softeners are one of the most prevalent examples.

ASSE 1087 is a new standard specifically developed to address commercial water treatment equipment. ASSE 1087 covers all water treatment products that are connected to the building's plumbing system for potable water. ASSE 1087 specifically covers the plumbing performance of commercial systems not covered by NSF standards, such as advertised flow capacities, backsiphonage during system regeneration (e.g. for water softeners), sealing ability, water hammer, hydrostatic pressure and life cycle testing.

It does not cover water treatment products used for process water or wastewater applications. Also, it does not cover claims regarding changes to water chemistry, microbiology, and aesthetics (i.e. smell, taste, appearance, etc.) as those are covered by NSF standards or test protocols.

It is critical that the Minnesota Plumbing Code is clear when NSF standards are required, when ASSE 1087 is required and when both may be required.

In order to get a clearer picture of when certain standards apply it is necessary to distinguish between residential and commercial, and to define point-of-use (POU), point-of-entry (POE), and commercial modular applications. POU and POE are differentiated for residential applications because of slight differences in standards for water softeners and reverse osmosis. The scope of NSF 44 only addresses residential water softeners for POE applications. Whereas the scope for NSF 58 only addresses POU applications. Therefore, all POE reverse osmosis units conform to NSF 61. POU and POE is not differentiated in the commercial column because it does not drive a difference in standards required. Commercial modular systems are basically treatments devices that are connected by manifold for use in food service applications. It is important that these products be required to meet both the NSF and ASSE standards so that all critical aspects (such as performance claims) are addressed.

ASSE and NSF collaborated on the changes in this proposal.

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:

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 checked="" 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 type="checkbox"/> Clarify provisions |
| <input type="checkbox"/> Change made at national level | <input type="checkbox"/> Situation unique to Minnesota |
| <input type="checkbox"/> Other (describe) _____ | |

Anticipated benefits: (check all that apply)

- | | |
|--|---|
| <input type="checkbox"/> Save lives/reduce injuries | <input type="checkbox"/> Provide more affordable construction |
| <input checked="" type="checkbox"/> Improve uniform application | <input type="checkbox"/> Provide building property |
| <input type="checkbox"/> Improve health of indoor environment | <input checked="" type="checkbox"/> Drinking water quality protection |
| <input checked="" type="checkbox"/> Provide more construction alternatives | <input checked="" type="checkbox"/> Decrease cost of enforcement |
| <input type="checkbox"/> Reduce regulation | <input type="checkbox"/> Other (describe) _____ |

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

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

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:

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.

Existing commercial products, other than commercial modular systems, did not need to comply with any standard. This provides guidance to both designers and AHJ's of how the standards are used in the field, whereas previously it was confusing.

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." Manufacturers may need to add or change their product certifications.

6. Provide a description of the classes of persons affected by a proposed change, who will bear the cost, and who will benefit. Manufacturers may need to add or change their product certifications. Consumers and designers will benefit by having appropriately categorized products for their use. AHJ's will benefit by understanding better what types of devices are required in given situations.

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:

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:

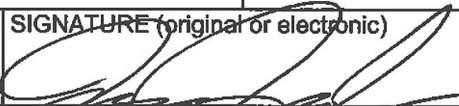
- Limit presentations to 5 minutes or less.
- Be prepared to answer questions regarding the proposal and any documentation.

Information regarding Committee and/or Board function:

- The Plumbing Board or designated committee.

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

SUBMITTED BY NAME Jason Shank	FIRM NAME ASSE International	SUBMITTER'S E-MAIL ADDRESS jshank@plumbers55.com
NAME, PHONE NUMBER & E-MAIL ADDRESS OF PRESENTER TO THE COMMITTEE (if different):		

ADDRESS 18927 Hickory Creek Drive, Suite 220	CITY Mokena, IL 60448	STATE	ZIP CODE
PHONE (708) 995-3019	SIGNATURE (original or electronic) 	DATE 10-7-19	

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: