

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)

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.

408.3 Individual Shower and Tub-Shower Combination Control Valves. Showers and tub-shower combinations shall be provided with individual control valves of the pressure balance, thermostatic, or combination pressure balance/thermostatic mixing valve type that provide scald and thermal shock protection for the rated flow rate of the installed showerhead. These valves shall be installed at the point of use and in accordance with ASSE 1016 / [ASME A112.1016 / CSA B125.16](#) or ASME A112.18.1/CSA B125.1. Gang showers, where supplied with a single temperature-controlled water supply pipe, shall be controlled by a mixing valve that is in accordance with ASSE 1069. Handle position stops shall be provided on such valves ~~and shall be adjusted per the manufacturer's instructions to deliver a maximum mixed water setting of 120°F (49°C). Water heater thermostats shall not be considered a suitable control for meeting this provision.~~ The maximum water temperature discharging from an individual showerhead shall be limited to 120°F (49°C) by one of the following methods:

(1) A shower or tub/shower combination valve conforming to ASSE 1016 / [ASME A112.1016 / CSA B125.16](#) or [ASME A112.18.1/CSA B125.1](#) where either:

(a) [The valve is field adjusted to the required maximum temperature, or](#)

(b) [The handle position stop is set in accordance with the manufacturer's instructions to the required maximum temperature;](#)

(2) [For gang showers supplied by a single water supply pipe, a mixing valve that conforms to ASSE 1069 that is field adjusted to the required maximum temperature;](#)

(3) [A limiting device conforming to either ASSE 1070/ASME A112.1070/CSA B125.70 or CSA B125.3;](#)

(4) [A water heater conforming to ASSE 1084;](#)

Table 1401.1

Standard Number	Standard Title	Application	Referenced Section
ASME A112.18.1-2018 2005 2018 / CSA B125.1-18 2005	Plumbing Supply Fittings	Fittings	402.10, 403.5, 408.2, 408.3, 417.1, 417.3, 417.4, 420.2, 603.5.20, L 402.4.1, L 402.4.2.1, L 402.5.1
ASSE 1016-2005 2017 / ASME A112.1016-2017 / CSA B125.16-17	Automatic Compensating Valves for Individual Showers and Tub/Shower Combinations	Valves	408.3
ASSE-1070-2004 ASSE 1070-2015 / ASME A112.1070-2015 / CSA B125.70-15	Water Temperature Limiting Devices	Valves	409.4, 410.3, 421.2
ASSE 1084-2018	Water Heaters with Temperature Limiting Capacity	Appliances	421.2
CSA B125.3-18 2005	Plumbing Fittings	Fittings	409.4

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RFA File No. PB0148	Date Received by DLI 10.7.2019	Dated Received by Committee	Date Forwarded to Board
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 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.

The temperature limiting function does not necessarily need to be performed by the same device that controls the water temperature from a showerhead. Rather than having to adjust each control valve, this gives installers and designers the option of using other devices for that function.

Devices that conform to ASSE 1070/ASME A112.1070/CSA B125.70 or water heaters that conform to ASSE 1084 are appropriate for bidet applications. ASSE 1084 requires water heaters to have appropriate Class B or Class C electric control protective measures per UL 607301 to control the output temperature for point of use applications. This limits the water temperature when set to 110°F (43 °C) from the default of 120°F (49 °C), just as one would set an ASSE 1070 mixing valve.

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)

- ☐ Protect public, health, safety, welfare, or security
☐ Lower construction costs

- ☐ Mandated by legislature
☐ Provide uniform application

- ☒ Encourage new methods and materials
☐ Change made at national level
☐ Other (describe) _____

- ☐ 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

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:
The costs may be decreased as extensive hot water distribution pipe from a central water heater is not necessary.

3. Are there less costly or intrusive methods to achieve the proposed change? ☒ Yes ☐ No If yes, explain
An ASSE 1070 mixing valve or CSA B125.3 fitting is less costly than an ASSE 1084 water heater. However this may be offset by the removal of hot water distribution piping and construction.

4. Were alternative methods considered? ☒ Yes ☐ No If no, why not? If yes, explain what alternative methods were considered and why they were rejected.
Again, the current method of using an ASSE 1070 mixing valve or CSA B125.3 fitting is appropriate.

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. Manufacturers have the option of certifying their product to ASSE 1084. Plumbing system designers have another option now.

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:

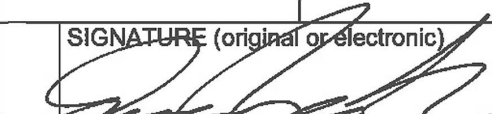
- Limit presentations to 5 minutes or less.
- Be prepared to answer questions regarding the proposal and any documentation.

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: