

Plumbing Board
April 19, 2011, 9:30 a.m. Minutes
Minnesota Room – Department of Labor & Industry
443 Lafayette Road North, St. Paul
(dli.cclboards@state.mn.us)

Members Present:

John Parizek, Chair
Karl Abrahamson
Rebecca Ames
Chad Filek
John Flagg
Jim Gander
Larry Justin
James Kittelson
Jim Lungstrom
Gale Mount
Brian Noma (for Ron Thompson)
Rick Palmateer

Members Absent:

Allen Lamm
Michael McGowan

DLI Support Staff Present:

Patricia Munkel-Olson
Karen Reiter
John Schultz
Cathy Tran

Visitors Present

Harold Bruner
Kevin Campana
Russ Chaney
Carl Crimmins
David Fisher
Carey Demaris
Rick Gak
Rick Hauffe
Jaci Hetwor
Craig Johnson
Greg Johnson
Jeff Keogh
Jeff Lebowski
Jessica Looman
Matt Marciniak
Scott McLellan
Jay Peters
Ron Rice
David Skallet
Remi Stone
John Tilton
Gary Thaden
Stan Theis
Luther Westman
Kevin Williams
Bob Wolf

I. Call to Order

The meeting was called to order by Parizek at 9:43 a.m. Announcements and introductions were made.

II. Approval of Meeting Agenda

Justin made a motion, seconded by Lungstrom, to move item V.J., DLI Reports, to item IX. After discussion, the vote was unanimous and the motion carried.

Motion was then made by Abrahamson, seconded by Justin, to approve the meeting Agenda as amended. Voting unanimous. Motion passed.

III. Approval of Previous Meeting Minutes

Motion made by Justin, seconded by Abrahamson, to table passing the January 18, 2011 Minutes until the July meeting so they can revisit and clarify them due to the recording of that meeting running out before the meeting ended. Voting unanimous. Motion passed.

IV. Regular Business

A. Approval of Expense Reports

Parizek received the expense reports and found them to be in order; therefore, they will be approved.

V. Committee Reports

A. Executive Committee – Parizek

The Executive Committee met at 8:00 this morning and discussed the following, some of which will be presented at the Board meeting today:

- i. Decision to recommend the Board appoint its Responsible Authority;
- ii. Open meeting laws;
- iii. Referral of some items to PCRC for clarification; and
- iv. Decision to recommend clarification for Board's two current rulemakings.

B. Product and Code Review Committee – Justin

The committee met March 8, 2011 and discussed the following:

- i. PB0041, EZ Flex Stainless Steel Pipe. The Committee requested follow-up information from the submitter and moved that if they did not provide the additional information, the RFA would be closed. No additional information was provided, and RFA is now closed.
- ii. PB0059, which is from Permaliner Industries. The Committee has requested more information for further review on their product.
- iii. PB0057, water softener floor drain in the center of the room. The committee moved to give this file to the Water Conditioning Committee for language review.
- iv. DLI Proposal which will be brought before the Board today.
- v. PB0053, which is PEX Standards by Bill Chapman. Motion was that they are to provide installation manual and input from additional PEX manufacturers for presentation at our June 21, 2011 PCRC meeting.
- vi. PB0051, approval of the IAPMO 2010 Green Plumbing and Mechanical Supplement. The Committee needs more information to be clarified and more work to be done before we can follow on with that RFA.
- vii. Next meeting: June 21, 2011.

C. Code Interpretation Committee – Gander

The committee met last month and two Final Interpretations have published.

- i. File PB0061, Sump pumps and discharge piping. Final Interpretation published in the *State Register* on March 21, 2011, and is available on the Board Web site. Munkel-Olson announced that no appeal was filed and the time period to do so has expired.
- ii. File PB0063, 35-Foot Limitation on horizontal plastic piping. Final Interpretation published in the *State Register* on March 21, 2011, and is available on the Board Web site. Munkel-Olson announced that no appeal was filed and the time period to do so has expired.

D. Medical Gas Committee – Parizek

- i. Sullwold's, who served as Chair of this committee, term is expired. Parizek called a meeting of the Medical Gas Committee to discuss some of the medical gas issues, and there will be a recommendation coming to the Board for certification requirements.

E. Continuing Education Committee – Abrahamson (attach. V.E)

- i. The committee met to discuss draft rules from DLI, dated 3/31/11. The Committee voted 3-2 to have 16 hours of Continuing Education per 2-year license renewal, which will come before the Board today.

- F. Licensing and Registration Committee – Gander
 - i. The committee met and discussed an application from an individual who has a Minnesota Mechanical Engineer license and he thought it would be prudent to allow PEs or those with ME degrees to be able to sit and test for Journeyman and Master Licenses. The committee reviewed, discussed, and moved unanimously to deny the RFA.
 - ii. Minutes: Motion was made by Abrahamson, seconded by Lungstrom, to approve the November 23, 2010 Minutes. Voting unanimous. Motion passed.

- G. Water Conditioning Committee – Abrahamson
 - i. No Report

- H. Construction Codes Committee – Gander

The committee has been meeting and sharing information, but the actual work of this committee is unclear. Schultz stated that the function of this committee is to have coordination among the various codes. The committee meets every four months. Kittelson is now the Vice Chair. The next meeting is April 21, 2011.

- I. National Code Review Committee – Lungstrom

Two RFAs were received—one urging the Board to adopt the International Plumbing Code, the other urging the Board to adopt the Uniform Plumbing Code. These RFAs were referred to the National Code Review Committee, which met twice and considered whether the Board should pursue adoption of a national code. By unanimous vote, the committee’s recommendation is that the Board adopts a national code. Presenters from two national codes are present to make short presentations on their codes.

- J. DLI Reports

Per Item II, DLI Reports have been moved to Item IX, Board Discussion.

VI. Special Business (attach. VI)

- A. National Code Presentations
 - i. ICC – Jay Peters. Parizek introduced Jay Peters, Executive Director, ICC (International Code Council). Peters presented a PowerPoint, which was not provided for retention by the Board.

Gander asked Peters for his opinion on the use of a single code statewide or if local jurisdictions should choose. Peters suggested adopting one code because it is easier to coordinate, less expensive for government building departments, allows developers to cross state lines, and is generally simpler.

- ii. IAPMO – Matthew Marciniak (attach. VI.A.ii)

Chair Parizek introduced Matthew Marciniak, Regional Manager, IAPMO (International Association of Plumbing and Mechanical Officials). Marciniak presented a PowerPoint, which was also provided in as handout.

Following Marciniak’s presentation, Gander asked him the same question he asked Peters, if he would recommend a state adopting one code or both codes. Marciniak concurred that a state should adopt one code.

Gander asked if every plumber in the State of Minnesota would be required to become a member of IAPMO if it is adopted. Marciniak explained that any person in the State

of Minnesota can call IAPMO and get a code interpretation whether or not they are plumbers. All IAPMO membership is completely voluntary.

Peters answered the same membership question for ICC stating that all calls for code interpretation are also answered by ICC and ICC does not have a mandatory requirement to be a part of their association.

iii. Parizek opened up the meeting for public comments on National Code.

Speakers

Jack Hetwor, Mpls. Plumbers JAC

Harold Bruner, Michel Sales

Ronald Rice, former inspector, City of St. Paul, representing himself

David Fisher, AMBO / Maplewood Building Inspector

John Tilton, St. Louis Park Building Official

Russ Chaney, CEO APMO

Jeff Keogh, City of Chanhassen, representing himself

Carl Crimmins, President, Minnesota Pipe Trades

Following Crimmins, public comment was closed by Parizek.

Motion made by Abrahamson, seconded by Mount, requesting IAPMO to perform a side-by-side comparison of the current editions of the Uniform Plumbing Code and the Minnesota Plumbing Code chapters 4715 and 4716 with the intention of adopting an amended version of the UPC at a future rulemaking. Following discussion, Mount withdrew the Second. Motion failed for lack of a Second.

Motion made by Gander, seconded by Ames, that the Plumbing Board moves forward and adopts either IPC or UPC with appropriate amendments at a future rulemaking. Discussion followed. Vote was unanimous. Motion passed with majority required by Minn. Stat § 326B.435.

Motion made by Abrahamson, seconded by Gander, requesting IAPMO to perform a side-by-side comparison of the current editions of the Uniform Plumbing Code and the Minnesota Plumbing Code chapters 4715 and 4716 with the intention of adopting an amended version of UPC at a future rulemaking. Discussion followed. The vote: Six in favor; Four opposed; and One abstention. Motion fails for lack of a two-thirds majority of all voting members per Minn. Stat. § 326B.435.

Motion made by Justin requesting IAPMO and ICC to perform a side-by-side comparison of the current edition of their respective codes and the Minnesota Plumbing Code chapters 4715 and 4716 with the intention of adopting one of the model codes. Following discussion, motion was withdrawn by Justin.

Motion made by Justin, seconded by Kittleson, that the Plumbing Board request a more in-depth presentation by the IAPMO and ICC representatives concerning their respective codes at a future special Plumbing Board meeting. Following discussion, the vote was: Three in favor and eight opposed. Motion fails for lack of a majority.

Motion made by Gander, seconded by Mount, to reconsider Abrahamson's earlier motion requesting IAPMO to perform a side-by-side comparison of the current editions

of the Uniform Plumbing Code and Minnesota Plumbing Code chapters 4715 and 4716 with the intention of adopting an amended version of UPC at a future rulemaking. Vote 9 – 2. Motion passes.

Motion made by Abrahamson, seconded by Gander, requesting IAPMO to perform a side-by-side comparison of the current editions of the Uniform Plumbing Code and the Minnesota Plumbing Code chapters 4715 and 4716 with the intention of adopting an amended version of UPC at a future rulemaking. Discussion held. Vote 7 – 3 – 1. Motion fails for lack of two-thirds majority of voting members.

Motion made by Ames that the National Code Review committee develop a list of items to be addressed by the presenters with response to those items brought back to a special meeting of the Plumbing Board. Discussion. Motion fails for lack of a second.

Motion made by Abrahamson, seconded by Gander, that the Minnesota Plumbing Board directs staff to blend the existing Minnesota Plumbing Code and the latest edition of the Uniform Plumbing Code into one code document for presentation to the Minnesota Plumbing Board at a future date. This is to be accomplished as thoroughly and in as timely a way as possible. Discussion. Voting 2 in favor, 9 opposed. Motion fails.

Motion was made by Ames, seconded by Gander, that the Minnesota State Plumbing Board adopts the UPC and direct the National Code Review Committee to report back to the Board any necessary amendments. Discussion. Vote: 9 in favor; 1 opposed; and 1 abstention. Motion carries.

- B. Continuing Education – Abrahamson (attach. to be provided)
Abrahamson presented a handout from the Continuing Education Committee on draft language it is proposing.

After discussion regarding number of hours of continuing education required for a 2-year license, teacher training, apprentice training, and how the department approves courses, a motion was made by Gander that the Continuing Education Draft Rule, 3/31/2011 be tabled until the July meeting. Munkel-Olson reminded the Board that the timeline grows shorter the more the voting is delayed. Second by Filek. Vote: 8 in favor; 2 opposed and 1 abstention. Motion carries.

- C. Medical Gas – Parizek (attach. VI.C)
Parizek presented potential language in a handout.

Motion made by Mount, seconded by Kittelson, that the language be moved forward in the rulemaking process with non-substantive changes. Vote unanimous. Motion carries.

- D. Location of Rules: Moving 4715.2800, 4715.2810, 4715.2830, 4715.2880, 4715.2890 and 4715.3130 to a separate chapter – Munkel-Olson (attach. VI. D)
Munkel-Olson presented information regarding moving administrative rules about the business process out of chapter 4715, the Plumbing Code, and into a separate chapter.

Motion made by Justin, seconded by Kittleson, that the Board adopt the following resolution: After discussion and deliberation that the Board agrees that Minn. R. Parts 4715.2800, 4715.2810, 4715.2830, 4715.2880, 4715.2890 and 4715.3130 are administrative rules, the

amendment thereof which is not under the Board's authority. Therefore, Patricia Munkel-Olson, General Counsel to the Board, is authorized and directed to work with the Office of the Revisor to move Minn. R. Parts 4715.2800, 4715.2810, 4715.2830, 4715.2880, 4715.2890 and 4715.3130 out of chapter 4715 and to renumber the rule parts, without modifications, into a different administrative rule chapter. Furthermore, the Board's General Counsel is authorized and directed to do anything else needed to renumber these rules without a rulemaking under Minn. Stat. Ch. 14. Vote unanimous. Motion carries.

E. Requests for Action

- i. File PB0060, DLI Proposed Language Changes – Justin and Tran (attach. VI.E.i)
Tran presented regarding RFA PB0060 referring to 4715.2820 sub part 3. Discussion.
Motion made by Mount, seconded by Gander, to clarify that “such pressure shall remain constant for 15 minutes or the duration of the inspection without the introduction of air.” Voting unanimous. Motion carries.

Motion made by Gander, seconded by Mount, to approve this language to go forward in the rulemaking process with the exception of Item Q in 4715.2110 relating to handheld hose sprays. Voting unanimous. Motion carries.

VII. Complaints – None

VIII. Open Forum – None

IX. Board Discussion

A. DLI Reports (moved from Item V.J)

- i. Current Rulemakings – Munkel-Olson (attach. IX.A.i)
Munkel-Olson explained options for moving forward with the two rulemaking currently authorized by the Board, and recommended that the 4715 rulemaking be limited to language that has been approved by the Board, and that the 4716 rulemaking be specifically limited to 4716.

Motion made by Mount, seconded by Flagg, that the Board resolve as follows:

1. That the Plumbing Code rulemaking under consideration on May 10, 2010, when a Request for Comments published in the State Register, include any other proposed amendments, repeal, or permanent rules necessary for the Board to fulfill its responsibilities under Minn. Stat. § 326B.435, subd. 2, paragraph a, clause (3).
 - a. Furthermore, the Chair is authorized and directed to sign and publish a Second Request for Comments as necessary to expand the subject matter to include all Requests for Action considered by the Board and any other necessary amendments.
2. That the Licensing rulemaking under consideration on September 7, 2010, when a Request for Comments published in the State Register, only include proposed amendments, repeal, or permanent rules necessary for the Board to fulfill its responsibilities under Minn. Stat. § 326B.435, subd. 2, paragraph a, clauses (5) and (6).
 - a. Furthermore, the Chair is authorized and directed to sign and publish a Second Request for Comments as necessary to expand the subject matter to address related Minnesota Laws from the 2011 legislative session, and making amendments where necessary to clarify provisions, address editorial corrections, or to coordinate the rules with the other licensing related rule chapters or the Minnesota Building Code.
Vote unanimous. Motion carries.

- ii. Legislative update – None

iii. Open Meeting Law Presentation – Munkel-Olson (attach. IX.A.iii)
Item tabled until July meeting.

iv. Data Practices Act (attach. IX.A.iv)

Munkel-Olson reminded the Board that it is required to appoint a responsible authority and prepare and maintain certain documents under the Data Practices Act. Parizek forwarded the recommendation of the Executive Committee to appoint a responsible authority and approve the Data Categories and Classification document prepared by Munkel-Olson.

a. Responsible Authority: The Executive Committee recommended appointing Lungstrom as the responsible authority and Munkel-Olson as his designee and data practices compliance official for the Board. (attach. IX.A.iv.a; proposed resolution not used)

Motion by Gander, seconded by Abrahamson, to accept the Executive Committee's recommendation and appoint Lungstrom as the Board's Responsible Authority and Munkel-Olson as its Data Practices Compliance Official. Vote unanimous. Motion carried.

b. Data Categories and Classifications document: The Executive Committee recommended approving the document as written with permission to edit to identify the Board's responsible authority and his designee. (attach. IX.A.iv.b) Motion by Palmateer, seconded by Ames, to approve the Data Categories and Classification document as written. Vote was unanimous. Motion carried.

X. Announcements

A. Next Regularly Scheduled Meetings

- i. July 29, 2011, 9:30 a.m. – Minnesota Room, DLI (Annual Meeting)
- ii. October 18, 2011, 9:30 a.m. – Minnesota Room, DLI
- iii. Munkel-Olson introduced Jeff Lebowski, DLI attorney.

IX. Adjournment

Motion made by Abrahamson, seconded by Kittelson, to adjourn. Voting unanimous. Motion passed. Meeting adjourned at 4:39 p.m.

Respectfully Submitted,

Karl Abrahamson

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