

Meeting Minutes: Special Plumbing Board

Date: May 12, 2025
Time: 9:30 a.m.
Minutes by: Lyndy Logan
Location: Minnesota Room, DLI, 443 Lafayette Rd. No., St. Paul, MN 55155

Members

1. Karl Abrahamson (Secretary)
 2. Sam Arnold
 3. Richard Becker (Chair)
 4. Kent Erickson (Vice Chair) – WebEx
 5. Jonathan Lemke
 6. Justin Parizek
 7. Bruce Pylkas
 8. Scott Stewart
 9. Rick Wahlen – WebEx
 10. Mike Westemeier (DLI CO's Designee)
 11. Shane Willis – WebEx
 12. Philip Wood – WebEx
- David Weum (MDH CO's Designee) (Non-V)

Members Absent

Adam Johnson

DLI Staff & Visitors

Daniel Becker (DLI) – WebEx
Adam Case (Board Counsel, DLI)
Lyndy Logan (DLI)
Todd Green (DLI) – WebEx

DLI Staff & Visitors continued...

Brad Jensen (DLI)
Hannah Mardaus (DLI) – WebEx
Ken McGurran (DLI) – WebEx
Greg Metz (DLI)
Josiah Moore (DLI)
Anita Anderson (MDH) – WebEx
Jason Bethke – City of Blaine (WebEx)
Andy Campeau (MNPTA)
David Henrich (MWW)
Rick Jacobs (Local 34)
Bruce Kleven (MWWA)
Dave Lillback – (Local 15) – WebEx
Stephanie Menning (MUCA) – WebEx
Tom Pakkala (Local 15) – WebEx
Bradley Peters (City of Rochester) – WebEx
Ryan SanCartier (MMCA)
Dave Schulenberg (MWWA) – WebEx
Sam Steffl (MWWA)
Adam Swan (U of M) – WebEx
David Traut (Traut Companies) – WebEx
Chad Whiting (U of M) – WebEx

1. Call to Order, Chair

- A. Chair Becker called the meeting to order at 9:36 AM. The secretary took roll call, and a quorum was declared with 12 of 13 voting members present in person or via WebEx.
- B. Announcements – Introductions (members and attendees) – Chair Becker
 - Everyone present in person and remotely can hear all discussions.
 - All votes will be taken by roll call if any member attends remotely.
 - All handouts discussed and WebEx instructions are posted on the Board's website.
 - WebEx instructions/procedures can be found on the board's website at:
<https://www.dli.mn.gov/about-department/boards-and-councils/plumbing-board>

2. Approval of meeting agenda

A motion was made by Westemeier, seconded by Abrahamson, to approve the agenda as presented. The roll call vote passed unanimously with 11 votes in favor; the motion carried.

3. Regular Business

Expense reports were approved.

4. Special Business

Review, discuss, and determine a response, if any, to proposed legislation relevant to plumbing, the Plumbing Board, the MN Plumbing Code, and enforcement, including potential language for House File 2882 – certain well contractors exempted from Department of Labor and Industry plan review and inspection requirements; and existing exemptions to contractor licensing, registration, and bonding requirements clarified.

Meeting Summary

- **Josiah Moore (“Moore”, Legislative Director, DLI)** reported that the proposed plumbing language was first reviewed in a House committee in April. It had since been narrowed and amended onto Senate File 1832. The House passed the bill as part of the labor budget omnibus, but it had no companion language in the Senate. The bill clarified exemptions under Minn. Stat. §326B.46 Subd. 6 regarding plumbing plan review and inspection by DLI. Moore noted the presence of well contractors and encouraged the board to hear their input.
- **Chair Richard Becker (“Becker”)** welcomed public input.
- **David Henrich (“Henrich”, Chair, Legislative Committee, Minnesota Water Well Association)** explained that the bill aimed to restore regulatory practices followed by the industry for the last 50 years, wherein the Minnesota Department of Health (“MDH”) reviewed plans and performed inspections. He emphasized continued adherence to the Plumbing Code, which the industry supports, and framed the bill as a way to maintain effective, high-standard practices. **Henrich**, along with **Sam Steffl** and **Bruce Kleven**, offered to answer questions.
- **Becker** asked what had changed since the industry claimed practices had been longstanding.
- **Mike Westemeier (“Westemeier”, DLI)** clarified that before 2007, MDH enforced plumbing regulations. In 2007, the Department of Labor and Industry (“DLI”) took over statutory enforcement. Plan reviews informally remained with MDH under a “handshake agreement” until about two years ago, when legal review found delegation of that authority was impermissible without statutory authorization. As a result, DLI resumed full jurisdiction.
- **Bruce Kleven (“Kleven”, Lobbyist, Minnesota Water Well Association)** added historical context, noting MDH had regulatory authority over plumbing since 1933. He stated MDH remained fully capable of enforcement, despite the shift to DLI in 2007.
- **Secretary Karl Abrahamson (“Abrahamson”)** asked why MDH relinquished its authority. Kleven responded that various regulatory programs were consolidated into DLI around that time, and that the well drillers’ code had long remained under MDH.
- **Abrahamson** affirmed that the plumbing license transfer was clear, and reiterated that per DLI’s interpretation, plumbing code review must fall under DLI.
- **Henrich** acknowledged agreement with the current interpretation and stressed that the proposed bill clarified narrow exemptions related to specific water supply components (*e.g.*, pump to tank systems). He emphasized that the overlap was minor and the added step of DLI review provided no value to consumers while increasing regulatory burden.
- **Becker** remarked that DLI’s permitting process was clearly outlined, whereas he did not find equivalent clarity on MDH’s website.
- **David Weum (“Weum”, MDH)** explained that the transfer of plumbing oversight from the MDH to the DLI was initiated under Governor Pawlenty to consolidate construction codes. The shift was directive rather than broadly desired. Plumbing staff moved to DLI, while MDH

continued oversight of public water supply systems through its Drinking Water Protection Group.

- **Weum** noted an overlap in jurisdiction between DLI and MDH, particularly concerning public water supply wells, defined as serving at least 25 people (*e.g.*, businesses, parks, resorts, apartments). He emphasized the need for greater regulatory clarity and collaboration, regardless of the outcome of current legislation.
- **Brad Jensen (“Jensen”, Chief Plumbing Inspector, DLI)** confirmed that DLI handled inspections for the service line between the well and the pressure tank.
- The group discussed borderline/edge cases, such as multifamily residential units with fewer than 25 people, which may not qualify as public water supplies under MDH but still fall within DLI’s scope.
- **Westemeier and Weum** agreed there were rare “gray area” facilities, like small resorts or campgrounds, where jurisdiction was somewhat unclear. MDH considered facilities with decentralized wells but shared ownership (*e.g.*, HOA-managed housing) as public systems.
- **Bruce Pylkas (“Pylkas”)** asked if the proposed legislation sought relief from DLI review and inspection. **Westemeier** confirmed it would exempt such projects from DLI oversight.
- **Becker** asked if MDH would then assume responsibility. **Weum** responded that plan review would remain with MDH, but inspections would require new agreements and procedures with DLI.
- **Henrich** expressed concern over redundant reviews by both MDH and DLI for systems with no known failure history. He argued that the proposed legislation would eliminate unnecessary processes and that the industry had long sought resolution, but was told only a legislative fix could accomplish it.
- **Henrich** emphasized the strong performance and self-regulation of the water well industry, noting the rarity of defects and the narrow, quality-controlled supply chain.
- **Becker** stated his priority was ensuring that all systems were reviewed and inspected—whether by DLI or MDH—to protect public health.
- **Westemeier** clarified that similar parallel authority already existed. For example, septic installers and pipe layers operated under agencies like MPCA, but DLI still reviewed related plumbing plans. DLI would continue inspecting up to the well itself, as required by statute. However, he raised concerns that MDH staff lacked plumbing code training necessary to assume full inspection duties, noting future training and coordination would be needed.
- **Weum** stated that MDH had experienced engineering staff competent in water supply systems. While MDH had not historically handled inspections, they routinely reviewed plumbing code sizing during plan reviews. He expressed openness to training from DLI and believed the water supply line from the well to the building was straightforward enough for engineers to assess.
- **Adam Case (“Case”, DLI)** clarified that MDH currently performs plan reviews but not inspections and inquired whether inspections could be added to their scope.
- **Weum** confirmed that discussions between MDH and DLI occurred the previous week and anticipated that additional statutory changes would be required for MDH to take on inspection responsibilities.
- **Becker** clarified the Board’s role was to review and discuss the legislative proposal—not to determine the outcome—and provide feedback if desired.
- **Henrich** noted the water well industry’s scale was much smaller than the general plumbing industry, approximately 230 contractors. **Jensen** corrected that the figure was closer to 2,893, but **Henrich** emphasized that only a subset was actively involved, and that the

industry was comprised mostly of small, family-owned businesses. He argued that the low volume and high standards made dual oversight inefficient and unnecessary.

- **Henrich** stressed that the MDH already participated in Board discussions and that oversight mechanisms existed to ensure high performance. He viewed the current situation as a legislative oversight following the 2007 regulatory transition.
- **Pylkas** shared an example where a project requiring only a single hose bib and floor drain triggered full plan review by DLI due to other system components. Despite his limited scope, the entire project was reviewed, uncovering significant design flaws. He pointed out that this case demonstrated the value of DLI's review capabilities.
- **Pylkas** expressed concern that exempting review from the well to the pressure tank would create a regulatory blind spot. He objected to removing oversight for system components like sand filters, pressure tanks, and piping materials, calling the proposal problematic.
- **Henrich** responded that **Pylkas** had conflated two separate issues—one involving lake water and another involving a standard well system with components such as a filtration system and water softener. He reiterated that well contractors typically handled systems only up to the pressure tank.
- **Pylkas** emphasized the water well industry's competency, stating that inspections and plan reviews were already in place. He stressed that duplicating these processes under both DLI and MDH added unnecessary burden. He warned that additional regulatory layers from agencies like the Department of Natural Resources ("DNR"), Pollution Control Agency ("PCA"), and watershed districts could risk overwhelming the industry and threaten water access for many Minnesotans.
- **Pylkas and Henrich** debated the scope of the oversight request. **Henrich** clarified the industry was not seeking to avoid oversight but rather to eliminate duplication. **Pylkas** cited examples where DLI reviews, though sometimes inconvenient, led to important improvements in design and safety.
- **Henrich** reiterated that well contractors already operated under MDH's oversight and maintained high standards. He cautioned against overregulation of a small, specialized industry and supported streamlined oversight to maintain efficiency.
- **Weum** explained that the proposal did not aim to eliminate oversight, but rather to simplify it by avoiding duplicated authority between agencies. He noted that MDH addressed issues—such as aquifer cross-contamination and sampling requirements—that fell outside plumbing inspectors' expertise.
- **Sam Steffl ("Steffl", Minnesota Water Well Association)** echoed the industry's shared priority: delivering safe, potable water. He encouraged collaboration and acknowledged that unnecessary repetition in reviews and inspections served no benefit to Minnesotans.
- **Justin Parizek ("Parizek")** raised concerns from prior discussions that some well contractors might expand their plumbing work into buildings without oversight. He questioned whether economic incentives might tempt contractors to go beyond intended limits.
- **Henrich** responded that there had been no industry intent to extend work deep into buildings. He emphasized that the line typically ended at the pressure tank and was handed off to licensed plumbers. He confirmed that when a plumbing scope issue was previously identified in early bill drafts, the language was removed and deferred to the Plumbing Board for proper handling.
- **Weum** acknowledged the concern and confirmed that current discussions focused only on work that well contractors were already legally permitted to perform. He reiterated that both DLI and MDH wanted oversight to remain intact and were committed to resolving jurisdictional questions collaboratively.

- **Parizek** noted that while he trusted the water well industry's intentions, the language proposed by MDH could permit broader authority than intended.
- **Case** asked for clarification on the current statutory limit of the well contractor exemption.
- **Henrich** confirmed the industry had not advocated for changes to the statutory scope.
- **Westemeier** acknowledged jurisdictional overlap with MDH. He stressed that while MDH rule references plumbing code in places, DLI enforces the entire code, not just select sections. He stated further statutory changes would be needed to formally shift enforcement jurisdiction.
- **Henrich** emphasized the industry's focus was narrow—strictly water supply up to the pressure tank—and not distribution systems. He challenged the characterization of the issue as expansive.
- **Becker** clarified that the proposed legislative language did not broaden the scope of work for well contractors and referenced Minn. Stat. §326B.46, subd. 6, which clearly defined allowable work.
- **Henrich** pointed out that conditional clauses in the statute had only recently begun to be enforced and that this had created uncertainty.
- **Kleven** inquired whether DLI had agreements with municipalities to delegate enforcement. **Westemeier** confirmed such agreements existed, usually for inspections, with exceptions like Minneapolis and St. Paul, where local officials performed full code enforcement after appropriate certification.
- **Becker** affirmed that these delegation authorities were outlined in statute, permitting the DLI commissioner to assign certain enforcement responsibilities to municipalities.
- **Weum** explained that MDH and DLI had attempted to resolve the issue through an interagency Memorandum of Understanding (“MOU”), but legal review determined that enforcement delegation to MDH was not permitted under current law. MDH could perform inspections and reviews under its own codes, but not on the basis of the plumbing code.
- **Henrich** expressed frustration that despite both agencies acknowledging the problem, the responsibility to resolve it had been left to the industry. He underscored the industry’s commitment to scope boundaries and collaborative oversight.
- **Becker** thanked the speakers and prepared to close the discussion, encouraging board members to determine a path forward.
- **Jonathan Lemke (“Lemke”)** asked whether inspection duties had materially changed in recent years. **Weum** responded that MDH had inspectors for well construction. **Lemke** asked whether recent shifts stemmed more from increased interest in plan review from both agencies.
- **Steffl** explained that MDH inspectors required only a 24-hour notice for public water supply projects but often operated ambiguously—sometimes showing up, sometimes not. He added that some contractors had submitted plans and paid DLI fees, only to be told DLI was too busy to conduct inspections, leaving contractors to self-report.
- **Parizek** asked whether previous inspection issues involved only the well or also included the supply piping. **Steffl** clarified it pertained to the supply line into the building. **Jensen** questioned this, noting DLI inspectors completed inspections either in person or virtually. **Steffl** agreed to follow up with documentation.
- **Becker** invited board discussion and motions.
- **Moore** expressed concern that the proposed legislation did not ensure full enforcement of the plumbing code. He stressed the importance of a comprehensive enforcement framework and questioned whether MDH was currently equipped to assume full plan review and inspection responsibilities.

- **Becker** outlined how the board had responded to similar issues in the past, including submitting a formal position letter to legislative bodies.
- **Parizek** asked how soon the legislation could take effect if passed. **Case** estimated July or August. **Parizek** then asked whether MDH could staff inspections by that time. **Weum** said that with virtual training from DLI, limited inspections could be feasible, though MDH field staff may lack plumbing qualifications for in-person work. He noted that engineers could handle reviews virtually.
- **Parizek** proposed that local plumbing unions could help provide qualified inspectors, if needed. He then asked whether the industry preferred inspections and by whom. **Henrich** confirmed that the water well industry fully supported inspections to ensure quality and code compliance. He emphasized the industry's long-standing commitment to high standards and called for efficient oversight. **Parizek** clarified his earlier perception—that well contractors opposed inspections—had changed after hearing the discussion. He now understood the contractors were open to inspections but prioritized having them done through a single agency.
- **Henrich** strongly preferred MDH as the sole inspection authority due to the industry's pace, licensing structure, and desire for a streamlined notification process. He argued that maintaining two regulatory paths would complicate compliance.
- **Weum** suggested the board consider three paths: (1) support the proposal, (2) oppose it, or (3) acknowledge jurisdictional concerns and recommend statutory changes to authorize plumbing code enforcement by MDH in a limited scope.
- **Becker** agreed and reiterated that the board's feedback would help shape legislation.
- **Henrich** requested that the board remain neutral for now and simply acknowledge the challenges involved, without taking a formal position in support or opposition.
- **Becker** appreciated the collaborative approach and emphasized the value of dialogue between regulators and industry.
- **Abrahamson** expressed concern that if DLI relinquished responsibility before MDH had capacity, oversight might lapse. He questioned whether MDH would be able to scale up in time or if resource constraints would lead to reallocation rather than expansion.
- **Weum** stated that MDH had sufficient staff capacity to manage reviews and could conduct virtual inspections if needed.
- **Abrahamson** expressed concern that inspections existed to catch problems caused by a small portion of contractors. He did not support transferring responsibility from DLI to MDH at this time, citing the need for continued oversight.
- **Becker** agreed that minimizing agency overlap was important but emphasized that any transition must preserve full code enforcement and public health protections. He was open to either agency managing oversight, as long as standards were upheld.
- **Pylkas** opposed the change, citing a decline in contractor skill levels and the risk of further degrading quality by shifting responsibilities away from DLI. He initially made a motion opposing the legislative change but later withdrew it.
- **Becker** noted that the Board's prevailing concern was ensuring consistent and qualified plan review and inspections. While DLI had proven capacity, MDH would need time to reach that level.
- **Case** clarified that the Board needed to decide whether to oppose the legislation outright or with conditions, based on concerns about MDH's inspection readiness.
- **Pylkas** later proposed directing the chair to draft a letter acknowledging the capabilities of both agencies and suggesting openness to reconsidering future solutions that better

support long-term outcomes. He expressed frustration at MDH's prior focus on cost-related arguments during unrelated discussions, which he found unhelpful.

- **Henrich** urged the board not to conflate unrelated conversations. He emphasized that the current proposal simply sought to formalize longstanding practices and streamline oversight. He explained the intent was not to expand the scope or reduce standards, but to reestablish efficient processes under MDH management.
- **Abrahamson** said he might have supported the change if it had been framed as a collaborative agreement between DLI and MDH rather than a full transfer of authority.
- **Henrich** reiterated that the proposed legislation restored existing practices rather than creating new ones. He described regulatory ambiguity as burdensome to contractors and called for a single, efficient point of oversight.
- **Becker** clarified that the plumbing code still applied regardless of oversight agency and remained under the Plumbing Board's jurisdiction.
- **Kleven** expressed frustration that neither DLI nor MDH had contributed proposed language changes to improve the bill. He urged anyone with constructive suggestions to share them, as legislative leadership remained interested in resolving the issue.
- **Abrahamson** stated that neither DLI nor MDH was at fault, but that frustration stemmed from the lack of actionable language delegating authority between the two. He recommended a motion that the Plumbing Board not support the proposed legislative language, as it effectively removed DLI from oversight, and instead favored future language that enabled DLI and MDH to collaboratively delegate plan review and inspections as appropriate.
- **Weum** agreed, suggesting that modifying the statute to allow the MDH Commissioner to enter into agreements with agencies—not just municipalities—enabling an interagency MOU. He noted that a prior attempt at such an MOU had been well-structured, with safeguards, mutual accountability, and flexibility for either agency to exit if needed.
- **Case** acknowledged that historical barriers had prevented cooperation and felt the Board's role was not to draft specific legislative language, but to voice opinions on what solutions it would support.
- **Abrahamson** reiterated that his proposal did not cast doubt on the capabilities of either department. Rather, it sought to preserve DLI's role until both agencies could legally and collaboratively share oversight responsibilities.
- **Henrich** requested that **Abrahamson** consider adding language to the motion acknowledging that a longstanding issue existed and warranted resolution. He emphasized the industry's frustration with prolonged uncertainty and the need to move forward.
- **A motion was made by Abrahamson, seconded by Pylkas, authorizing the chair to draft and submit a letter to the author or authors of the Legislation summarizing the points made at the May 12, 2025, special Plumbing Board meeting noting that the Board acknowledges that dual jurisdiction is an issue faced by the well contractor industry and noting that the Plumbing Board does not support this language as drafted which essentially removes all oversight from DLI but would support language that would allow DLI and MDH to enter into agreements delegating plan review and inspection authority to MDH for work subject to 326 B.46, subdivision 6. The majority roll call vote ruled with 10 in favor and one abstention (Westemeier); the motion passed.**

5. **Announcements**

Next regular quarterly meeting – 9:30 a.m., 3rd Tuesday of each quarter – DLI / WebEx

- July 15, 2025 (annual meeting – election of officers)
- Oct. 21, 2025

6. **Adjournment**

A motion was made by Parizek, seconded by Scott Stewart, to adjourn the meeting at 11:26 a.m. The roll call vote was unanimous, with 11 votes in favor of the motion; the motion passed.

Respectfully submitted,

Karl Abrahamson

Karl Abrahamson
Secretary

Green meeting practices

The State of Minnesota is committed to minimizing in-person environmental impacts by following green meeting practices. DLI is minimizing the environmental impact of its events by following green meeting practices. DLI encourages you to use electronic copies of handouts or to print them on 100% post-consumer processed chlorine-free paper, double-sided.