

**Plumbing Board
Meeting Minutes
July 15, 2008
Minnesota Room
Department of Labor and Industry (DLI)
443 Lafayette Road No., Saint Paul, MN 55155-4344
DLI.CCLDBOARDS@State.MN.US**

Members Present:

Karl Abrahamson
Rebecca L. Ames
Steve Christenson
Jim Gander
Kenneth Kammerer
James Kittelson
Lawrence G. Justin
Allen J. Lamm
Michael McGowan
Rick Palmateer
John A. Parizek
Paul Sullwold
Ronald Thompson (MDH Commissioner's designee)
Randy Ellingboe (DLI Commissioner's designee)

Staff Present:

Jim Peterson
Patricia Munkel-Olson
Annette Trnka
Cathy Tran

Members Absent:

None

Visitors:

Gary Thaden
Brian Soderholm
Chris Paulsen
Jim Paschal
C. J. Scheff
Dave Shusterich
John Watson
Carole Halverson
Bob Wolf
Scot Hughes
Steve Rakisten
Mike Lipke

I. Call To Order

The meeting was called to order by Parizek at 9:48 a.m. Announcements and introductions followed.

II. Approval of Agenda

Motion made by Justin, with amendment, seconded by Gander to approve the meeting agenda, changing the date of the Minutes for approval and adding VI(D)(v). The vote was unanimous and the motion carried.

III. Approval of Previous Meeting Minutes

- A. June 17, 2008 Special Board Meeting Minutes
 - i. Ellingboe made a motion, seconded by Lamm, to accept the previous Minutes. The vote was unanimous and the motion passed.

IV. Regular Business

- A. Approval of Expense Reports
 - i. Chair stated the expense reports and Per Diems are in order and declared them approved.

V. Committee Reports

- A. Executive Committee – Parizek reviewed what took place at the Executive Committee meeting.
- B. Product and Code Review Committee – Justin reviewed the actions taken by the PCRC at the 6-25-08 meeting.
- C. Code Interpretation Committee – Have not met.
- D. Licensing and Registration Committee – July meeting was cancelled.
- E. Green Committee – Meeting will be scheduled.

VI. Special Business

- A. Minnesota Plumbing Code – Board Action
 - i. Requests For Action
 - 1. Amend 4715.0420 Standards For Plumbing Materials, include NSF14, NSF61, ASTM F2389 and CSA B137.11 – polypropylene systems. Submitted 1/4/08 by Paschal Engineering. (File PB0026) – RFA is going to be split for water distribution, and water distribution pipe and welded joints. Hangers and supports will be submitted on a separate RFA. PCRC's recommendation was to forward to the Plumbing Board with no recommendation. Gander made a motion to approve, seconded by Kammerer. Thompson asked if this would be put in this rulemaking or the next one. Parizek stated because DLI staff would have to review the most current Standard, this issue will probably not go in this rulemaking session, but be added to the next rulemaking. The language will be:

4715.0420 STANDARDS FOR PLUMBING MATERIALS

Subp. 3. Standards for plumbing materials.

WATER DISTRIBUTION – Polybutylene (PB) systems (PB tubing together with recommended fittings) and chlorinated polyvinyl chloride (CPVC) pipe together with fittings must be tested by the manufacturer at 150 psi and 210 degrees

Fahrenheit for a period of not less than 48 hours by a qualified independent testing laboratory acceptable to the administrative authority.

Cross-linked polyethylene (PEX) tubing systems together with approved fittings must be tested at 150 psi and 210 degrees Fahrenheit for a period of not less than 30 days by a qualified independent testing laboratory acceptable to the administrative authority.

Polypropylene (PP-R) pipe together with fittings must be tested by the manufacturer at 510 psi hoop stress and 203 degrees Fahrenheit for a period of not less than 40 days by a qualified independent testing laboratory acceptable to the administrative authority.

DESCRIPTION	ANSI	ASTM	FS	OTHER
6P Polypropylene (PP-R)		F2389		NSF 14
				NSF 61
				<u>CSA B137.11</u>

The reference to ~~CSA B137.11~~ would be stricken. Staff determined that the CSA B137.11 2005 is not equivalent to the ASTM F2389-2007. Because of that, the request is to strike this reference until the CSA 2007 Standard is reviewed.

4715.0520 Water Distribution Pipe.

The following materials may be used for water distribution pipe:

N. Polypropylene (PP-R) pipe 6P shall be certified by an independent third-party certifier. The water distribution system shall be installed by a factory-trained installer in accordance with the manufacturer's installation instructions.

4715.0810 Plastic Joints

Subpart 1

Subp. 2

Subp. 3. Fusion-weld connections shall include socket-fusion, butt-fusion, electro-fusion, and fusion outlet branch fittings. Fusion welding shall be in accordance with ASTM F2389.

The vote was unanimous and the motion passed.

2. 4715.0805 push-on joints. Submitted 10/12/07 by Elkhart Products Corporation. (File PB0019) The request was approved for copper fittings only by the PCRC. The PCRC made the recommendation to deny the PEX and PCVC fittings. Presenter made a statement to the Board regarding ASME being accepted across the nation. Kammerer made a motion to deny the request for PEX and PCVC, but approve

copper, seconded by Abrahamson. The vote was unanimous and the motion passed.

The meeting took a break at 10:41 a.m. and reconvened at 10:53 a.m.

3. Amend MN Plumbing Code to reference ASME standard A112.19.12-2006 (Adjust a sink.) (File PB0021) Accessible Systems.

4715.1390 SINKS

Subpart 3. Adjustable Sink Systems. Adjustable tailpiece sink systems must comply with ASME Standard A112.19.12 – 2006 Wall Mounted, Pedestal Mounted, Adjustable, Elevating, Tilting, and Pivoting Lavatory, Sink, and Shampoo Bowl Carrier Systems and Drain Waste Systems. The tailpiece must be of rigid construction.

Justin made a motion to approve the proposed revision to the Plumbing Code, seconded by Sullwold. The vote was unanimous and the motion passed.

- B. Department Updates/Comments – Ellingboe made an announcement regarding leaving his position at the Department of Labor and Industry to go to the Minnesota Department of Health effective August 1, 2008.
 - i. Legislative – There are no Legislative updates.
 - ii. Commissioner - Ellingboe then read a letter from Commissioner Sviggum to each Board member, thanking the Board members for their service.
- C. Elections – The meeting was turned over to Randy Ellingboe to conduct the elections. Ellingboe abstained from voting during the elections.
 - i. Chair – Lamm nominated John Parizek. There were no other nominations and the nominations were closed. The vote was unanimous and Parizek was re-elected Board Chair.
 - ii. Vice Chair – Lamm nominated Lawrence Justin. There were no other nominations and the nominations were closed. The vote was unanimous and Justin was re-elected Vice-Chair.
 - iii. Secretary – Abrahamson nominated Jim Gander. There were no other nominations and the nominations were closed. The vote was unanimous and Gander was re-elected Board Secretary.
- D. Committee Appointments – The meeting was turned back over to Chair Parizek. Parizek asked if any member of the Board would like to join a Committee and also asked those currently assigned to a sub-committee to reconfirm their ability to serve.
 - i. Product and Code Review Committee – The committee members remain Larry Justin, Chair; John Parizek, Karl Abrahamson, Allen Lamm and Randy Ellingboe.

- ii. Code Interpretation Committee – Ames stepped down from this Committee. The members are Jim Gander, Chair; John Parizek, Paul Sullwold and Randy Ellingboe.
 - iii. Licensing and Registration Committee – The committee members are Karl Abrahamson, Jim Gander, Chair; John Parizek, Rebecca Ames, Paul Sullwold, and Randy Ellingboe.
 - iv. Green Committee – The committee members are John Parizek, Chair; Larry Justin, Mike McGowan, Rebecca Ames, Steve Christenson and Randy Ellingboe.
 - v. Construction Codes Advisory Council – Parizek announced that the Construction Codes Advisory Council, which had previously been sunsetted by the Legislature, has been reinstated by the Legislature in their last session. Gander made a motion, seconded by Lamm, to have Ken Kammerer represent the Plumbing Board on the Construction Codes Advisory Council. The vote was Parizek, Justin, Gander, Kittelson, Abrahamson, Ames, McGowan, Sullwold, Lamm and Christenson. Kammerer and Ellingboe abstained. The majority ruled and the motion passed.
- E. Minnesota Plumbing Code – Updates/Board Action
- i. SONAR
 - ii. Other

VII. Complaints

There have been no complaints submitted to the Board.

VIII. Open Forum

Chris Paulsen of Toto, USA presented to the Board on his opinion that the Plumbing Code, part 4715.2100 (atmospheric vacuum breakers) does not conflict with the ASME Standard which governs the washer products regarding their washlet (bidét) seat. Mr. Paulsen stated that he reviewed the Code and it allows for 1” distances between the critical level and the flood level rim of the fixture in the case of a gravity toilet tank, 4715.2150, Subp. 2. He stated that the two of the model codes in existence, the UPC and the IPC, both allow for a 1” distance between a device’s critical level and the flood level rim of a fixture. For reference he brought both sections of the UPC and the IPC. Mr. Paulsen stated that 4715.2100, part A, only applies to pipe applied atmospheric vacuum breakers, for example something that would go on a threaded piece of pipe. He stated that Toto, USA’s product uses an integral vacuum breaker, which, he states, is not the same thing as a pipe applied atmospheric vacuum breaker. He went on to state that Rule 4715.2100, Part D, recognizes vacuum breakers that are installed as an integral part of a product, also approved to a Standard, and installed at factory. Mr. Paulsen used for an example the integral vacuum breaker that is installed in the pull-out spray of a kitchen faucet. He stated that he realizes there is a hazard difference, in that a kitchen faucet is a low hazard area, whereas a toilet bowl would be a higher hazard area, but he states that his main point is that there is recognition of integral vacuum breakers.

He submits to the Board his belief that there isn't a conflict between what the Code says and what the ASME Standard says. Mr. Paulsen stated that in regards to the June 25th PCRC meeting, the recommendation at the time was to submit an RFA to change 4715.0420, Subparagraph 3, so that it recognize ASME A112.4.2. He stated that he brought the Request For Action to add language so that the ASME Standard is recognized in the State Plumbing Code.

Justin stated that the gentleman had come before the Product Code and Review Committee in June, 2008, and made a presentation of their product. The major concern that was listed was the atmospheric vacuum breaker above the one inch spill line, which is addressed in the Code. The Committee had recommended that this issue be passed on to the Department of Health for their input. The Committee had asked for testimonials of people that have used this product, which Toto, USA had subsequently submitted electronically.

Parizek asked if DLI staff had received anything from the Department of Health and was told they have not. Thompson stated that Ellingboe had sent the information to the DOH, but that additional information was also going to be submitted. Thompson stated that they have done some preliminary review, and that some of the issues would be UL listing, although there is an ETL listing, but was unsure if that was equivalent on the electrical; a question was raised on the applicability of the low flush toilet standards – does the 1.6 gallon apply to this kind of product installation; there are some provisions in the Plumbing Code that a fixture appurtenance be easily cleanable and sanitary, and there were questions as to how cleanable the jets and orifices are; there is an issue of heated air of 138 degrees Fahrenheit – whether there is a scald issue on the contact surfaces; and it was unclear regarding the oxygen deodorizer function – is there a flammability issue. Thompson went on to state the issue of potential backflow – is there a single water inlet or two inlets; do they have an anti-siphon ballcock, so the Department of Health is waiting for some additional information that Ellingboe had indicated would be sent, then the DOH could have their facilities people take a look also. Ellingboe stated that information would be sent to the Department of Health. Parizek stated that this RFA is scheduled for the next PCRC meeting, which has not yet been scheduled. Justin stated he thought the next PCRC meeting would feasibly be in August if the Toto, USA information was ready to review.

Carol Halverson of Ridgeview Medical Center spoke regarding the Toto product. Ridgeview Medical Center is designing a women's and children's center in Waconia. The banning on public sitz baths has made Toto, USA's product very desirable, especially for women who have delivered babies, whether by caesarian or traditional delivery. They would like to install this product in every room of the post-partum area. Thompson stated that even if this were approved, it would be a year before this law is modified. It was recommended that their facility go through other channels such as the Department of Health or requesting a variance from DLI.

Ellingboe stated that the areas of Code that Mr. Paulsen brought up would need to be discussed among DLI staff to see if an alternate approval is a possibility. Tran stated that it could be requested as an alternate for special use, and in doing an alternate, the requestor would have to seek a review and approval through the city and the licensing authority, which

in this case, would be the Health Department. Justin stated the section of the Code for alternate approvals is 4715.0330, for a product that isn't directly represented in the Code yet, and the product doesn't directly go against (i.e. is prohibited by) the Code.

IX. Board Discussion

Parizek discussed PEX piping. One of the manufacturers now has a push-on fitting for their PEX pipe. Parizek stated that the PEX industry is expanding and there are more systems out there and he felt it had to be a nightmare for inspections regarding whose system, what product, what kind of joints and fittings have been installed on it and what are the connection methods used – are they the right ones. He felt the Board should consider creating a committee or ad-hoc committee to review the PEX industry in general. McGowan thought the PEX manufacturers should get together to agree on common fittings. Lamm stated that the best product in the world is no good without a good connection and he would like to see, instead of having to have the PEX manufacturer's specific fitting, having a fitting that would work universally on PEX.

Ellingboe spoke about the celebration taking place to commemorate this afternoon's gathering for the 75th anniversary of the Plumbing Code.

X. Announcements

- A. Next Regularly Scheduled Meetings:
- i. October 21, 2008, 9:30 a.m. – Minnesota Room, DLI
 - ii. August/September Special Meeting possible.

XI. Adjournment

Gander made a motion to adjourn, seconded by Abrahamson. The vote was unanimous, and the motion passed. The meeting adjourned at 12:04 p.m.

Respectfully Submitted,

Jim Gander

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