

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

<b>NAME OF SUBMITTER</b>  Karl Abrahamson	<b>PURPOSE OF REQUEST</b> (check all that apply): <input type="checkbox"/> New Code <input checked="" type="checkbox"/> X Code Amendment <input type="checkbox"/> Repeal of an existing Rule
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The Minnesota Plumbing Code (MN Rules, Chapter 4714) is available at <https://epubs.iapmo.org/2020/MPC/>

**Specify the purpose of the proposal:** If recommendation for code change for appurtenance or method (check all that apply)

Appurtenance (e.g., water conditioning equipment)     Test Method  
 X Other (describe)                      Clarification for Code Enforcement.

**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 here: <https://epubs.iapmo.org/2020/MPC/>

### 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.

**409.4 Limitation of Hot Water Temperature in Bathtubs and Whirlpool Bathtubs.** The maximum hot water temperature discharging from the bathtub and whirlpool bathtub filler shall be limited to 120°F (49°C). The maximum temperature shall be regulated by one of the following means:

- (1) A limiting device conforming to either ASSE1070/ASME A112.1070/CSA B125.70 or CSA B125.3.(An ASSE 1016 thermostatic and pressure balancing device conforms to the temperature limiting requirements of an ASSE 1070 device); or
- (2) A water heater conforming to ASSE 1084.

### Office Use Only

RFA File No.	Date Received by DLI	Dated Received by Committee	Date of Forwarded to Board
PB0186	12/3/2024	12/4/2024	TBD

Title of RFA

RFA.PB0186.Karl Abrahamson.Chapter 4.Rec'd 12.3.2024

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Committee Recommendation to the Board:  Accept  Reject  Abstain

Board approved as submitted:  Yes  No

Board approved as modified:  Yes  No

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**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.

There are municipalities that have been misinterpreting 409.4 and enforcing the installation of an additional ASSE 1070 device for a tub only installation when a single handle ASSE 1016 device has already been installed. 409.4 states; a limiting device conforming to either ASSE 1070/ASME A112.1070/CSA B125.70 or CSA B125.3.;

The term *conforming* is not listed in Chapter 2, however, the definition of conforming per the Merriam-Webster Collegiate Dictionary means to be similar or identical.

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:

ASSE 1070, 3.1.3 Temperature Range Requirements:

Water temperature limiting devices shall:

- a) be designed with an adjustable outlet temperature that includes the range of 41 °C to 43 °C (105 °F to 110 °F);
  - b) operate with inlet
    - i) cold water temperatures between 4 °C and 27 °C (39 °F and 80 °F); and
    - ii) hot water temperatures between 49 °C and 82 °C (120 °F and 180 °F); and
  - c) be set to deliver a maximum water temperature of 49 °C (120 °F) or less.
- For non-adjustable water temperature limiting devices, the outlet temperature shall be a maximum of 43 °C (110 °F).

ASSE 1016, 3.5 Temperature Requirements:

3.5.1

Devices shall be designed to be the final temperature control.

3.5.2

Devices shall be adjustable from the cold position up to at least 38 °C (100 °F) with hot water inlet temperatures ranging from 49 to 82 °C (120 to 180 °F) and cold water inlet temperatures ranging from 4 to 27 °C (40 to 80 °F).

3.5.3

Devices shall

- a) be equipped with an adjustable means to limit the setting towards the hot position;
- b) be capable of limiting the maximum outlet temperature to 49 °C (120 °F) or the manufacturer's stated maximum outlet temperature, whichever is less; and
- c) maintain an outlet temperature within ±2.0 °C (±3.6 °F) from the set temperature in accordance with Clause 4.6.

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**, and email to [DLI.cclboards@state.mn.us](mailto:DLI.cclboards@state.mn.us)

**Primary reason for change:** (check only one)

- Protect public, health, safety, welfare, or security
- Lower construction costs
- Encourage new methods and materials
- Change made at national level
- Other (describe) \_\_\_\_\_
- Mandated by legislature
- Provide uniform application
- 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:  
Decrease the cost and eliminates the installation of redundant devices.

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.

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."

6. Provide a description of the classes of persons affected by a proposed change, who will bear the cost, and who will benefit.

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](mailto: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 (or email) two 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 action is a recommendation to the Plumbing Board and is not to be considered final action.

NAME AND E-MAIL ADDRESS	FIRM NAME
Karl Abrahamson, karl.abrahamson@ci.stpaul.mn.us	

NAME, PHONE NUMBER AND E-MAIL ADDRESS OF PRESENTER TO THE COMMITTEE (if different):

ADDRESS	CITY	STATE	ZIP CODE
PHONE	SIGNATURE (original or electronic)	DATE	
651-266-9049		12/3/24	

For Assistance or questions on completing this form, contact Mike Westemeier, Department of Labor and Industry at [michael.westemeier@state.mn.us](mailto:michael.westemeier@state.mn.us) or by phone 651-284-5898.

<b>For Office/Committee Use Only</b> 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: