

Meeting Minutes: SPECIAL Plumbing Board

Date: September 13, 2021
Time: 9:30 a.m.
Minutes by: Lyndy Logan
Location: WebEx Event

Members

1. Sam Arnold
2. Michael Dryke
3. Kent Erickson
4. Mike Herman (Vice Chair)
5. Rick Jacobs (Chair)
6. Brad Jensen (DLI Commissioner's Designee)
7. Justin Parizek
8. Troy Seitz
9. Scott Stewart
10. Rick Wahlen
David Weum (MDH CO's Designee – NV)
11. Shane Willis

DLI Staff & Visitors

Suzanne Todnem (Gen. Counsel, DLI)
Brittany Wysokinski (Gen. Counsel, DLI)
Lyndy Logan (DLI)
Greg Metz (DLI)
Jim Peterson (DLI)
Nick Erickson (Housing First)
Adam Hanson (ABC)
Dean Gale (St. Paul Plumbers Local #34)
Mike Johnson (J-Berd Mech)
Stephanie Menning (MUCA)
Tom Pakala (Minn. Plumbers Local #15)
Scott Thompson (My Plumbing Training)

Members Absent

Richard Becker (Secretary)
Natasha Lawrence

1. Call to Order, Chair Presiding

- A. The meeting was called to order by Chair Jacobs at 9:30 AM. Roll call was taken by the Vice-Chair Secretary and a quorum was declared with 11 of 13 voting members, and one non-voting member (Weum), present via WebEx.
- B. Announcements – Introductions (members and attendees)
 - Remote meeting statement: Thank you for joining this remote meeting via WebEx. As the board chair, I have determined today's meeting is via the WebEx platform due to the COVID-19 pandemic. Per Minnesota Statutes, section 13D.021, of the Open Meeting Law, electronic meetings are acceptable when an in-person meeting is "not practical or prudent because of a health pandemic or an emergency declared under Chapter 12." It is not practical or prudent to hold an in-person meeting because, consistent with MDH guidance, the usual meeting place is not open to the public due to the COVID-19 pandemic.
 - Board members and attendees present on this WebEx are able to hear all discussions.
 - All handouts discussed and WebEx instructions are posted on the Board's website at: <https://www.dli.mn.gov/about-department/boards-and-councils/plumbing-board>
 - All votes will be by roll call.
 - WebEx instructions/procedures were read aloud.

2. **Approval of meeting agenda**

A motion was made by Herman, seconded by Wahlen, to approve the agenda as presented. The roll call vote was unanimous with 11 votes in favor; the motion carried.

3. **Regular Business Approval of expense reports – Jacobs approved.**

4. **Special Business**

A. [Review 4714 proposed amendments for approval and review authorization resolution](#)

Background information - the Board previously authorized Chair Jacobs to initiate a good-cause exempt rulemaking in hopes that the minor rule changes could go through the exempt process to save time and effort; however, the standards for this process are very high and it was not approved. The Board also previously authorized the Chair to initiate a regular, non-hearing rulemaking. A hearing shouldn't be necessary since the changes aren't substantive and largely address items that were inadvertently retained or omitted from the base code due to renumbering and other cleanup amendments as reflected in the rule draft and described below.

Wysokinski addressed the following changes related to renumbering and updating referenced standards:

- 609.11. Pipe insulation is regulated in the Energy Code; therefore, we do not want conflicting provisions – 609.12 was renumbered to 609.11.
- 1107.2(B). 1107.2.3(B) was renumbered to 1107.2(B) (and all references to this section). The sections that were inadvertently retained prohibited air testing, which Minnesota amendments specifically allow due to Minnesota winters.
- Greg Metz asked if language could be included that refers to the Minnesota Energy Code, instead of referencing the information, so that plumbing inspectors still have a code path for enforcing insulation requirements within their jurisdiction?
- Chair Jacobs said the Board has already discussed and determined what it intended the code to be and adding language now would be something more than the current intention of correcting the code to reflect the previously intended outcome. He appreciated Metz's recommendation but now might not be the right time for it because the process has already been followed for code changes. Herman added that if any additional language is added at this point, the Board would probably have to ask if anyone else has additions/changes.
- Todnem stated that if they begin referencing when other codes apply, which we generally don't currently do, similar language should possibly be referenced in all other areas to avoid confusion. That is, if other codes are referenced some places but not other places, it could lead to confusion about whether the other codes apply or not. This is something the Board could consider in a future rulemaking.
- 1601.2 and 1601.3. 1601.2 and 1601.3 are deleted because they had been inadvertently retained due to renumbering in the 2018 UPC. They are being deleted because 1601.2 regulates design professionals, which is outside the scope of the plumbing code. Section 1601.3 regulates permit requirements, which is also outside the scope of the plumbing code so it is reasonable to delete them.

- Table 1601.5. Table 1601.5, originally created by the Plumbing Board and added to the 2015 MN Plumbing Code, was adopted nationally, and placed with IAPMO's revisions into the 2018. We are proposing to replace the UPC's 2018 version with Minnesota's version with updated referenced standards, renumbering changes, and inadvertently omitted language.
- 1601.7. 1601.7 was amended to remove two exceptions related to rainwater catchment systems that are explicitly excluded by Minnesota amendment elsewhere in Section 1601.
- 1602.9.4. Subsection 1602.9.4 was deleted in its entirety – it references Chapter 15, which Minnesota does not adopt, therefore it was not applicable and was inadvertently retained.
- Table 1701.1. Table 1701.1 was modified to reflect renumbering changes, updates to the referenced sections and to provide consistency with Minnesota amendments.
- Effective date. Effective date is December 17, 2021, or five working days after publication of the amendment's notice of adoption in the State Register, whichever is later. In the interest of public health and safety, the proposed effective date is as close to the December 17, 2021 (effective date of the main rulemaking that was concluded in March 2021) as possible. It is in the interest of public health and safety to have the proposed amendments effective as close in time as the previous, main rulemaking to avoid possible confusion.
- Wahlen asked for clarification on an administrative rule change relating to exterior installation of water meters and Chair Jacobs said the Plumbing Board reviewed all submitted RFI/RFAs and tried to correct/clarify language; however, should there be more clarification needed, this could be discussed at the next Board meeting. This rule draft is just fixing what should have been added or removed per the Board's previous discussions and approval of the rule draft. Chair Jacobs recommended Wahlen submit an RFA to be reviewed at the next meeting in October.
- Regulatory analysis questions. Wysokinski asked board members if the cost of complying with the proposed rules in the first year will exceed \$25,000 for a small business (less than 50 full-time employees or a small city (less than 10 full-time employees)? In the previous UPS rulemaking, it was determined that changes would not exceed \$25,000.
 - Board discussed that they do not believe the proposed rules will cost \$25,000 or more. The Board determined that no small city or small business will incur costs exceeding \$25,000 in the first year.
- Wysokinski asked if the proposed rules presented affect any ordinances/regulations or local governments to implement. She noted that, for context, it was determined that the previous large rulemaking would not affect ordinances/regulations on local governments –
 - The Board discussed and determined that these administrative changes will not necessitate any subsequent changes to city ordinances.
- Todnem asked if there are any less costly or less intrusive methods to make the proposed amendments (renumbering, etc.)
 - The Board discussed and determined that there is no less expensive or less intrusive methods.

- Todnem asked if any cost of complying with the proposed amendments, including the portion of total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses or individuals, would cost more versus not accepting the amendments?
 - Chair Jacobs said he thinks the amended language clarifies and makes language easier for inspectors so the amendments are needed and would save costs. Wahlen said the cost appears to be minimal.
- Todnem said if these proposed rule amendments are approved then IAPMO will publish an errata that can be inserted into any printed Minnesota Plumbing Code books and she believes the changes will be reflected in electronic copies of the book.

A motion was made by Herman, seconded by Erickson, to approve the rule draft as presented and to authorize the chair to sign the Certificate of the Plumbing Board Authorizing Resolution to move forward with rulemaking and adopt rules without a hearing if there are fewer than 25 outstanding hearing requests or with a hearing if there are 25 or more outstanding hearing requests. The roll call vote was unanimous with 11 votes in favor of the motion; the motion passed.

5. Announcements

Next regularly scheduled meetings in 2021, 9:30 a.m., in-person or via WebEx

- October 19, 2021

6. Adjournment

A motion was made by Herman, seconded by Willis, to adjourn the meeting at 10:35 a.m. The roll call vote was unanimous with 11 votes in favor of the motion; the motion passed.

Respectfully submitted,

Mike Herman

Mike Herman
Vice-Chair

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.