

**Plumbing Board  
Special Meeting Minutes  
April 29, 2008  
Department of Labor and Industry  
Minnesota Room  
443 Lafayette Road North  
Saint Paul, MN 55155-4344  
[dli.cclboards@state.mn.us](mailto:dli.cclboards@state.mn.us)**

**Members Present:**

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

**Members Absent:**

Rebecca L. Ames  
Ronald Thompson (MDH Commissioner's designee)

**Staff Present:**

Wendy Legge  
Annette Trnka  
Cathy Tran  
Jim Peterson

**Visitors:**

Harold Bruner  
Mike Lipke  
Jim Keller  
Bob Wolf  
Tom Hamel  
Dean Ebben  
Lawrence Anderson  
Joe Castro  
Matthew Marciniak  
Michael Ansel  
Geoff Balistreri  
Kelly Carbonari  
Tim Manz  
Carl Crimmins  
Ken Peterson  
Phil Raines  
Laura Millburg  
Craig Johnson  
Gary Thaden

**I. Call To Order**

The meeting was called to order by Chair Parizek at 1:36 p.m. Chair announced the Board would break before item V(E) on the Agenda. Introductions were done.

Board approved 05-20-08

## **II. Approval of Meeting Agenda**

Sullwold made a motion, seconded by Justin to approve the meeting agenda. The vote was unanimous and the motion passed.

## **III. Approval of Previous Meeting Minutes**

Gander made a motion to approve the April 15, 2008 Board meeting Minutes, seconded by Lamm. The vote was unanimous and the motion passed.

## **IV. Regular Business**

The Chair declared the Expenses reviewed and approved.

## **V. Special Business**

**A. Minnesota Plumbing Code – Statute prohibiting waterless urinals.** Ellingboe stated DLI's Legislative staff person would be joining the meeting. During this Legislative Session, most of the "cleanup items" were being addressed. It is Ellingboe's understanding that there is action being taken today in the Legislature and the Senate File is being reviewed regarding the prohibition on waterless urinals, and repeal was being discussed. Justin asked if the Bill that prohibited the waterless urinals was the same Bill that created the Plumbing Board (giving authority.) Legge stated that it was included in Chapter 140 of the Minnesota Laws. John Rajkowski, the Department of Labor and Industry's legislative staff person then joined the meeting and stated that the Board was confirmed by the Minnesota State Senate. Regarding the movement of the Statute that prohibits waterless urinals, House File 3034, Representative Mahoney reacted by doing an amendment (repeal) of Sub 4, MN Statutes Section 326.36. Rep. Mahoney also repealed the prohibition on air admittance valves with this same Bill. This Bill passed the House last Thursday and is in the Senate today. There were concerns from the Minnesota Pipe Trade union that the repeal should be treated as two parts. They would like to work with the Senate authority in order to split the issue of air admittance valves from waterless urinals. Senator Scheid will be meeting with Commissioner Sviggum the day after the Board meeting. It was suggested that the Board draft the language today for presentation to the Commissioner tomorrow. The Plumbing Code has a variety of sections that deal with fixtures. When it comes to waterless urinals, certain components of the urinals come up against the Code. For example, the Plumbing Code requires that urinals have a water seal trap, and waterless urinals don't have that.

**B. Review of previous Requests For Action reviewed by the Plumbing Code Advisory Council.** Certain Rules within the Plumbing Code pertain to waterless urinals. The previous RFAs had to deal with the restrictions or prohibitions in the Code. The advocates of Code change want to amend the Code to allow the use of

these devices. Sanitary conditions were reviewed in waterless versus flush. The last action taken by the PCAC was that it was not moved forward for Code change at that time.

Kammerer asked how the prohibition became Statute. Ellingboe stated he wasn't able to comment on it, as the Department of Labor and Industry was not involved in the creation of the Statute. It was passed by being amended in the Legislature. Justin asked if the amendment was presented to the DLI or PCAC for their comments. The authors of the amendment did not approach DLI or the PCRC for their comments.

Justin discussed the RFAs for Hamel and Ecotech (which were presented to the Plumbing Code Advisory Council) and asked if DLI staff had a chance to review these RFAs to see if the RFAs are still acceptable (one problem was that the codes were current as listed on the RFA.) Randy stated that since the device was prohibited, they were not reviewed. Justin recommended hearing from members of the audience before drafting specific language.

Parizek asked if the Board felt that Code could be written, or if they would like to have the Product and Code Review Committee deal with language and bring it back to the Board for recommendation. Gander asked Wendy Legge a question regarding Statute vs. Rule. Legge stated that Statute trumps a rule and no rule can overrule a Statute. The Board does not have authority to change statute. However, Legislature can ask the Board to give a recommendation on specific language they would like to see changed. The recommendation should be limited to the waterless urinal issue only. Any recommendation should not include anything regarding air admittance valves. Justin feels it should be repealed in its entirety, that products should not be banned by Statute. Sullwold agreed with Justin and stated he feels it should be reviewed on a case-by-case basis per product, keeping safety and health paramount. He went on to state that he feels that this prohibition should be repealed and the authority should be given back to the Board. Lamm agrees, but also feels the Board should be dealing with air admittance valves. Legge reminded the Board that the reason for calling this Special Meeting was waterless urinals. Legge recommended that no other subjects should be discussed, because the Board hasn't given notice to people that would be interested in giving presentations on that subject.

Gander stated he felt that both waterless urinals and air admittance valves issues should be left with the Board, not with the Legislature.

Christenson asked if 326, subdivision 4 has been repealed, have the air admittance valves have also been repealed? Parizek states that it is before the House and also is now before the Senate, but gave the reminder that the Board can only discuss the waterless urinals. Lamm stated that he would like to do a lot more research on these issues. Parizek states that it's not to make recommendations on the products themselves, but to recommend language for consideration by the Legislature.

The Board took a break at 2:22 and reconvened at 2:37 p.m.

- C. Five requests for Open forum were received and each presenter was allowed five minutes to present to the Board.
- i. Tim Manz presented on behalf of the MN Chapter of American Society of Heating, Refrigerating and Air conditioning Engineers. The issue they have is regarding Standard 189.1P., and Section 6.3.2.1. The Society has suggested Statute language recommendations.
  - ii. Gary Thaden spoke on behalf of the Minnesota Mechanical Contractors Association. The MMCA supports the installation of waterless urinals. He feels that the Plumbing Board should deal with plumbing issues, and leave to the Legislature passing laws. He stated that the Board could draft rules which could let people know where the Board is headed. Mr. Thaden stated that the Legislature finishes their session on May 19<sup>th</sup> and he feels that the Board should research the products themselves and after that point, draft proposed language, which would take the Board past May 19<sup>th</sup>.
  - iii. Tom Hamel, with Hamel Associates. If the Statute is repealed, he'd like to propose that the Board take a look at California's plumbing standards, regarding waterless urinals in particular. He gave a handout from the California State Pipe Trades Council, which is a letter that establishes uniform safeguards for non-water supplied urinals to protect public health and the environment. There are six requirements that any product must meet. Mr. Hamel states that these same requirements are accepted by IAPMO. He urged that the Board address this issue as soon as possible. Justin stated that he has an exception to item number six, which states that each waterless urinal be installed with a water supply rough in. Abrahamson stated that the water main may not be able to handle it if waterless was taken out and replaced with flush urinals.
  - iv. Harold Bruner with Michel Sales Agency spoke, stating that he agrees that the Plumbing Board should make the Rules, instead of Legislature. He said he's a factory representative for air admittance valves as well and would also like to address both issues. He stated he'd like to have this law repealed. He suggested that if the Board sent this memo (California memo) to the Legislators, it would save time and save taxpayer's money.
  - v. Jim Keller, a consulting engineer, registered for the State, stated they don't sell products (no economic interest) but what his personal interest is, is Green Buildings. As the price of energy goes up, the

price of water goes up. He feels a waterless urinal could save between \$150 and \$300 per year in cost. He states that the technologies for these products are moving along at an astounding rate. He pointed out that repealing this Statute would give more business to plumbers, for them to retrofit fixtures. Gander asked about maintenance issue. Liquid, cleaning and smell issues in particular. Would more ventilation be required? Mr. Keller answered that would be anti-green. Keller stated that some people have figured out how to replace the oil. The smell is due to the oil in the trap being run out, and if you replace the oil, it becomes functional again and deals with the smell.

Lamm asked about the cycle and pass through time amount. Mr. Keller didn't know. Cathy Tran asked about LEED, and disposal of the cartridges. A member of the audience stated that the cartridges are bio-degradable. He stated that the cartridge should be replaced after 7,000 to 8,000 operations.

- F. Board recommendation to Rep. Mahoney. Justin made a motion, seconded by Kammerer, to recommend that the Legislature repeal Subdivision 4 of Section 326.37 in its entirety, and allow the Plumbing Board to review the products according to the plumbing Board's procedures. The vote was unanimous and the motion carried.

## **VI. Open Forum**

Gary Thaden wanted to object to the motion made by the Board which he feels is unethical and illegal. He protests.

Harold Bruner stated that by asking Legislature to repeal, it is sending a message to the Legislature that it should be up to the Board and not the Legislature regarding products.

Justin asked to confirm that by repealing this law, it's not authorizing use of the products, but that it should then go in front of the Board. Legge stated that it would take action by the Board before these codes could be enacted.

Gander states that he would like DLI staff to draft language and then bring back to Committee for review, rather than have 10 RFAs come to the Board.

Cathy asked if it would be appropriate to ask for the two RFA submitters to update their RFA, to get up-to-date Standards.

## **VII. Board Discussion**

Justin made a motion for DLI Staff to review the RFA from Ecotech Resource, Inc., dated 10/15/04 as a guideline, 4715.1320 with adding the following to the first paragraph, add (4) which shall read: Shall be cleaned and maintained in accordance with the Manufacturer's recommendation after installation. DLI staff should add language to reflect adequate water distribution size as number (5) and DLI staff should review other sections of the code to address the other sections that would be affected by waterless urinals. The motion was seconded by McGowan. The vote was unanimous and the motion carried.

### **VIII. Announcements**

#### **A) Next Regularly Scheduled Meetings:**

- i. May 20, 2008, 9:30 a.m. – Minnesota Room, DLI
- ii. June 17, 2008, 9:30 a.m. – Minnesota Room, DLI

### **IX. Adjournment**

A motion was made by Lamm, seconded by Gander to adjourn. The vote was unanimous, and the motion passed. Meeting adjourned at 3:37 p.m.

Respectfully Submitted,

*Jim Gander*

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