

State of Oregon  
Final

Agenda  
Item  
I.D.

Oregon State Plumbing Board

Teleconference meeting minutes

February 8, 2008

**Members present:** Ken Carlson, Chairman  
Jonathan Gray, Vice-chair *connected by teleconference*  
Rick Bosch  
Jack Vilendre

**Members absent:** Skai Dancey  
Jacob Polvi

**Staff present:** Mark Long, administrator  
Andrea Simmons, policy and technical services manager  
Terry Swisher, chief plumbing inspector and board secretary  
Robert Salinas, enforcement and licensing assistant manager  
Aeron Teverbaugh, policy analyst  
Clint Fella, management analyst  
Kaylan McAllaster, boards coordinator  
Debi Barnes-Woods, boards coordinator

**Guests present:** Tony Cracolice, BOLI/ATD  
Linda Lindsten, OAPHCC  
Johanna Mitater, Department of Justice  
Patrick G. Ward, Department of Justice  
Mike Ditty, training instructor  
Bill Cross, Executive Director for Oregon Building  
Officials Association (OBOA)

**I. Board business**

**A. Call to order**

Chairman Ken Carlson called the Oregon State Plumbing Board teleconference meeting to order at 9:30 a.m. The meeting was held at the Building Codes Division, Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

**B. Roll call**

Vice-chairman Jonathan Gray was connected by teleconference. Skai Dancey and Jacob Polvi were absent excused.

**C. Approval of agenda and order of business**

The amended agenda was approved to include II.A. and II.B.

Chairman Carlson **RULED** the amended agenda and order of business approved.

**D. Date of the next scheduled meeting**  
April 11, 2008

**II. Unfinished business**

- A. Board reconsider and concur with division recommendations for 2008 Oregon Plumbing Specialty Code applicable to non low-rise construction**  
Administrator of Building Codes Division Mark Long discussed the amended agenda and the items included. He noted that the items were II.A., and II.B. The division is asking the board to reconsider its recommendation to the division regarding five specific areas of the recommended plumbing code.

Administrator Long noted the memos are an attempt to clarify the division's responsibility under the plumbing code regarding scope of practice issues inserted at the national level for certification of backflow, testing or maintenance requirements occurring after initial installation.

Chairman Carlson asked what would happen if the board and the administrator did not come to concurrence on the five items under reconsideration.

Administrator Long noted that continuing with the process through the committee work, board work, and the public hearing process is important. He said the division takes into consideration the work and recommendations from all areas before concluding the process. If the board and the administrator do not agree, the language could revert to model code language or the current OPSC language.

Chairman Carlson read [memo II.A.](#) into the record as the board prepared to take action on each item of concern separately.

1. Nonwater urinals

Chairman Carlson read the first item of code change language up for reconsideration.

Administrator Long noted that the division has three items of concern on nonwater urinals: 1.) piping, 2.) inclusion of maintenance provisions, and 3.) the division recommends that specific language in 402.3.1 be deleted or clarified to send clear direction to jurisdictions for uniformity. The language of concern: "if desired by the owner or if required by the enforcement agency."

Chairman Carlson reminded the board, and audience, of his and the board's position on the health and safety issues of nonwater urinals. He noted that it states in the plumbing code that a plumbing fixture has always been supplied with clean potable water to function as designed. The nonwater urinals may not function correctly without proper maintenance.

Chairman Carlson discussed the Oregon State Parks Department pilot project, as an example of maintenance problems with the waterfree urinals. There were approximately 12 to 15 state park sites statewide involved in the pilot project using waterfree urinals. He noted 25 percent of the waterfree urinals installed by the parks department were removed due to product maintenance and usage problems.

Chairman Carlson noted that the committee purposely inserted the language "Where nonwater urinals are installed they shall have a water distribution line roughed in to the urinal location to allow a subsequent replacement of the nonwater supplied urinal with a water supplied urinal if desired by the owner or if required by the enforcement agency." If the water piping is not installed during the initial installation, the cost of reinstalling the water piping after the building is completed would be much more than the initial cost. Chairman Carlson noted that the park's project urinals were all retrofitted so the cost of removing the nonwater urinals was small. Retrofitting is an option. The language the division is recommending to remove is modeled after the language approved at the national level for the 2009 Uniform Plumbing Code.

Because of special requirements for nonwater fixtures, serious maintenance problems could occur. Chairman Carlson noted there are only two types of sealants for the devices. Both need to be maintained per the manufacturer's instructions. Because the product instructions are not enforceable, language needs to be inserted into the code.

Administrator Long agreed with Chairman Carlson and suggested that the Oregon State Plumbing Board recommend the insertion of either a "fine print note" or a "text box" that contains suggested maintenance language. This would be an alert, but not an obligation of the enforcing authority. It was explained that the language would be in the code, but not part of enforcement.

Jack Vilendre suggested that the proper disposal of the cartridges be inserted in the "text box" or "fine print note."

Administrator Long suggested that the division work on language for the "text box" and get concurrence from board members via e-mail.

**Motion by Chairman Carlson** to reconsider the division's recommended code amendments for section 402.3.1.

**Motion carried unanimously**

**Motion by Chairman Carlson** to strike out the language in section 402.3.1 dealing with cleaning and maintenance; inserting that same language into a text box below the code language; and deleting "if desired by the owner or if required by the enforcement agency." Then, inserting language in the text box that the division will write for the proper disposal of the cartridge, and approve with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

**Motion carried unanimously**

**Motion by Chairman Carlson** to reconsider 410.1 Flushing Devices Required.

**Motion carried unanimously**

**Motion by Chairman Carlson** to amend section 410.1 by adding language to the exception, nonwater urinals, “as required in section 402.3.1” with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

**Motion carried unanimously**

Chairman Carlson discussed a letter received by [John M. Hallwill](#). The letter was distributed to board members prior to the start of the meeting.

Chief Terry Swisher discussed Mr. Halliwill’s concerns about the reference to Table 14.1 and the requirement for a barrier liquid sealant to maintain a trap seal. Mr. Halliwill suggested the reference and requirement should be deleted. Chief Swisher noted that the standards for the nonwater urinals already require the liquid sealant trap, which is consistent with the board’s recommendations. He also noted that product approval in Oregon Administrative Rules and Oregon Revised Statutes already require the adopted standard for the product be met.

2. Backflow Testing

**Motion by Chairman Carlson** to reconsider 603.1 approval of Devices or Assemblies.

**Motion carried unanimously**

Chairman Carlson read a letter into the record received from [Kate Mattimore](#), co-president Backflow Management Inc. The letter was distributed to board members prior to the beginning of the meeting.

Chairman Carlson clarified an issue addressed in the letter. Ms. Mattimore believes that soda machines should be protected by a reduced pressure assembly, as they were under the 2003 code. Chairman Carlson noted it was in the 2000 code and not the 2003 code.

Administrator Long also clarified that the division is asking the board to consider retaining the current code language in the 2005 Oregon Plumbing Specialty Code and not accepting the National Model Code language for 603.1.

**Motion by Chairman Carlson** to approve code language 603.1 proposed by the division with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

Board member Rick Bosch asked for clarification of whether or not the backflow testing has to be completed prior to filing for an inspection.

Chief Swisher said the language clarifies that the authority having jurisdiction or other department having jurisdiction for the devices or assemblies sets that requirement.

Administrator Long added that the language requires the testing be completed upon initial installation.

**Motion carried unanimously**

3. Carbonator backflow protection  
**Motion by Chairman Carlson** to reconsider code language 603.4.12.  
**Motion carried unanimously**

**Motion by Chairman** to approve the code change as recommended by the division with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

**Motion carried unanimously**

4. Piping Standards  
**Motion by Chairman Carlson** to reconsider code language adopting ASSE Series 5000-2004, NFPA 13D-2002, and NSF 14-2004.  
**Motion carried unanimously**

Chairman Carlson noted that the board received an [E-mail](#) from Jeremy Brown, codes and regulatory manager, NSF International, supporting the division's recommendation to retain NSF 14-2004 Plastic Piping Components and Related Materials Piping, Plastic.

Administrator Long noted that the two standards the division is asking to be removed from the table are ASSE Series 5000-2004, Professional Qualification Standard for Backflow Prevention Backflow Protection Assembly Testers, Repairers, and Surveyors; and NFPA 13D-2002, Installation of Sprinkler Systems in One –and Two-Family Dwellings and Manufactured Homes. He said the certification or scope of practice issues should not be part of an installation standard. He also noted the Residential Structures Board is looking at a model sprinkler ordinance as part of a local jurisdictional allowance to require fire sprinklers in residential structures. The standard in place is the proposed ICC Standard for multi-purpose residential sprinkler systems. The division is asking the Oregon State Plumbing Board to delete the standard from the plumbing code to prevent confusion due to a model ordinance that may be adopted at a local level for multi-purpose residential sprinkler systems.

Chairman Carlson agreed with the division's recommendation of leaving the NSF standard in the code language. He also suggested leaving in the ASSE Series and leaving in NFPA 13D that the division recommended removing. He noted NFPA 13D is the standard currently being used by jurisdictions.

Chief Swisher said the NFPA 13D standard is referenced in the new 2008 residential code and is not needed in the plumbing code. He added that the 2005 Legislature passed House Bill 3093 exempting journeymen plumbers and apprentices in the State of Oregon from being required to be certified through the health division. The ASSE 5000 Series training program is recognized through the health division as well as through the division as an approved training course.

Administrator Long noted that after installation for backflow, another agency is responsible for the testing, not Building Codes Division.

**Motion by Chairman Carlson** to approve the recommendation by the division to delete the two standards ASSE Series 5000-2004 and NFPA 13D-2002, and add NSF 14-2004 with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

**Motion carried unanimously**

**B. Board review and concur with the division's recommendations to remove scope of practice requirements from the 2008 Oregon Plumbing Specialty Code applicable to non low-rise construction**

**Motion by Chairman Carlson** to reconsider section 603.3.3.

**Motion carried unanimously**

Chairman Carlson asked why the language "by a certified backflow assembly tester" in 603.3.3 was deleted. Administrator Long said the health division has the authority to make this decision, not the division or the board.

**Motion by Chairman Carlson** to approve the language recommended by the division for 603.3.3 with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

**Motion carried unanimously**

*Jon Gray disconnected teleconference for the rest of the meeting at 11:05 a.m.*

Administrator Long noted that in a recent Board Chair/Vice-chair group discussion, the division had a representative from the [State Government Ethics Commission](#) speak to the group on [Senate Bill 10](#). He noted the statute went into effect January 1, 2008 with changes to conflict of interest and the ethics law.

A general overview of the [boards' responsibilities matrix](#) was discussed.

**VIII. Announcements - None**

**IX. Adjournment**

Chairman Ken Carlson adjourned the board meeting at 11:20 a.m.

Respectfully submitted by,

Debi Barnes-Woods  
Division Boards Coordinator