



**VIRTUAL/TELECONFERENCE
PLUMBING CODE ADVISORY COMMITTEE MEETING
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
August 20, 2024**

The following agenda describes the issues that the Committee plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Committee.

AGENDA

1:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes for December 14, 2021 (3-4)**
- C. Introductions, Announcements and Recognition**
- D. Reminders: Scheduling Concerns**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Committee Updates
- F. Administrative Rule Matters – Discussion and Consideration (5)**
 - 1) Proposed updates to SPS Rules relating to Plumbing Code (6-11)
 - 2) Pending or possible rulemaking items
- G. Next Steps**
- H. Public Comments**

ADJOURNMENT

NEXT MEETING: TO BE DETERMINED

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the

parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
PLUMBING CODE ADVISORY COMMITTEE
MEETING MINUTES
DECEMBER 14, 2021**

PRESENT: Fred Gardner, Justin Kressin, Randy Lorge, Roger Musolff, Jason Sladky

EXCUSED: Joseph Kiedrowski, Spencer Statz

STAFF: Brad Wojciechowski, Executive Director; Jameson Whitney, Legal Counsel; Garry Krause, Bureau Director; Philip Harkleroad, Section Chief; Megan Glaeser, Bureau Assistant; and other Department staff

Jason Sladky, Chairperson, called the meeting to order at 12:30 p.m. A majority of five (5) members was present.

ADOPTION OF AGENDA

MOTION: Fred Gardner moved, seconded by Roger Musolff, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 18, 2021

MOTION: Roger Musolff moved, seconded by Jason Sladky, to approve the Minutes of November 18, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Review of Plumbing Code Changes

MOTION: Roger Musolff moved, seconded by Fred Gardner, to recommend approval of SPS 381 Definitions and Standards (Table 381.20-5) as outlined in the 12/14/2021 agenda materials with appropriate notes. Motion carried unanimously.

MOTION: Roger Musolff moved, seconded by Randy Lorge, to recommend approval of SPS 382 Design, Construction, Installation, Supervision, Maintenance, and Inspection of Plumbing (sections 382.21(5)(a), 382.21(5)(B), and 382.21(5)(c)) as outlined in the 12/14/2021 agenda materials with appropriate notes. Motion carried unanimously.

MOTION: Randy Lorge moved, seconded by Roger Musolff, to recommend approval of SPS 384 Plumbing Products (Table 384.11) as outlined in the 12/14/2021 agenda materials with appropriate notes. Motion carried unanimously.

PLUMBING PLAN REVIEW EXEMPTION PROPOSAL

MOTION: Fred Gardner moved, seconded by Randy Lorge, to recommend the Department accept the Plumbing Plan Review Exemption Proposal as presented in the 12/14/2021 materials with appropriate notes, in as much

as the proposal may be made consistent with existing flushing requirements and standards. Motion carried unanimously.

ADJOURNMENT

MOTION: Roger Musolff moved, seconded by Fred Gardner, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:22 p.m.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jake Pelegrin Administrative Rules Coordinator		2) Date when request submitted: 8/7/24 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting													
3) Name of Board, Committee, Council, Sections: Plumbing Code Advisory Council															
4) Meeting Date: 8/20/24	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Proposed updates to SPS Rules relating to Plumbing Code 2. Pending or possible rulemaking items													
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A													
10) Describe the issue and action that should be addressed: Attachments: -Implemented scope statement -Rules process chart -Proposed updates to SPS Rules relating to Plumbing Code - lead pipe															
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;">11) <i>Jake Pelegrin</i></td> <td style="width: 40%; border-bottom: 1px solid black; text-align: center;">Authorization</td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;">8/7/24</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td colspan="2" style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td colspan="2" style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="3" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				11) <i>Jake Pelegrin</i>	Authorization	8/7/24	Signature of person making this request	Date		Supervisor (if required)	Date		Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date		
11) <i>Jake Pelegrin</i>	Authorization	8/7/24													
Signature of person making this request	Date														
Supervisor (if required)	Date														
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date															
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.															

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: SPS 381-387 and SPS 325, 361-366

Relating to: Plumbing Code Review

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to fix inconsistencies between the current plumbing code, other department rules, and other national standards the department has adopted. In addition, this project will address change in federal standards for use of lead in plumbing materials. This project will modify code language to help increase clarity for stakeholders. The department will take into account feedback from the Plumbing Code Advisory Committee and other stakeholders to ensure consistency between plumbing code, other department codes, national regulations and standards.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The plumbing code is in SPS 381 (Definitions and Standards), SPS 382 (Design, Construction, Installation, Supervision, Maintenance and Inspection of Plumbing and Appendix), and SPS 384 and Appendix (Plumbing Products). SPS 383, 385, 386 and 387 relate primarily to private onsite wastewater treatment systems. SPS 325 relates to plumbing within Wisconsin's uniform dwelling code. SPS 361 to 366 relates to plumbing within Wisconsin's commercial building code.

This rule project will review requirements for the design, construction, installation, inspection and maintenance of plumbing systems and requirements to ensure the quality and proper installation of plumbing products. The department will take into account feedback from the Plumbing Code Advisory Committee and other stakeholders to ensure consistency between plumbing code, other department codes, national standards, and industry best practices. Standards incorporated by reference will be reviewed and updated as needed. The rule will be reviewed to ensure consistency with state statutes.

The alternative is not to do this project, which would allow for inconsistencies to confuse stakeholders and may affect the effectiveness of the plumbing code. Additionally, if no changes are made our Code will continue to conflict with federal regulations as it relates to lead materials.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 101.02 (1) (b), Stats.: "The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings..."

Section 145.02 (1), Stats.: "The construction, installation and maintenance of plumbing in connection with all buildings in this state, including buildings owned by the state or any political subdivision thereof, shall be safe, sanitary and such as to safeguard the public health and the waters of the state."

Section 145.02 (2) (a), Stats.: “The department shall have general supervision of all plumbing described under sub. (1). The department shall promulgate rules that shall uniformly apply to all types of buildings, private or public, rural or urban, including buildings owned by the state or any political subdivision. The rules promulgated by the department shall constitute the state plumbing code. The state plumbing code shall comply with ch. 160. To the extent that the historic building code applies to the subject matter of these standards, the standards do not apply to a qualified historic building if the owner elects to be subject to s. 101.121. The standards do not apply to a primitive rural hunting cabin, as defined in s. 101.61 (3).”

Section 145.02 (2) (b), Stats.: “The department shall promulgate rules that establish separate plumbing standards applicable only to camping units that are set in a fixed location in a campground for which a permit is issued under s. 97.67, that contain a sleeping place, and that are used for seasonal overnight camping. The standards established in the rules shall also take into account the uses, including seasonal use, that are unique to recreational and educational camps, as defined in s. 101.053 (1). If the department has appointed one or more committees under s. 227.13 to advise the department on rule making with respect to private on-site wastewater treatment systems or other plumbing systems, the department shall promulgate the rules required under this paragraph in consultation with those committees.”

Section 145.02 (3), (3) (g), and (3) (h), Stats.: “The department may exercise such powers as are reasonably necessary to carry out the provisions of this chapter. It may, among other things:

(g) By rule, fix fees for the examination and approval of plans of plumbing systems and collect the same.

(h) Promulgate rules concerning the testing of cross-connection control devices, including rules identifying the types of cross-connection control devices that may be tested only by a registered cross-connection control tester and the circumstances under which cross-connection control devices shall be tested.

Section 145.02 (4) (a), Stats.: “The department shall prescribe rules as to the qualifications, examination and licensing of master and journeyman plumbers and restricted plumber licensees, for the licensing of utility contractors, for the registration of plumbing apprentices and pipe layers and for the registration and training of registered learners. The plumbers council, created under s. 15.407 (16), shall advise the department in formulating the rules.”

Section 145.02 (4) (b), Stats.: “The department may promulgate rules for the qualification and registration of cross-connection control testers.”

Section 145.245, Stats., provides the department with authority to make rules relating to private on-site wastewater treatment system replacement or rehabilitation, including criteria for determining if a system is failing, eligibility for grant funding, and mechanisms for disbursing grant funds.

Section 227.11 (2) (a), Stats.: “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

Approximately 80 hours.

6. List with description of all entities that may be affected by the proposed rule:

This proposed rule generally affects any entity involved with the plumbing industry as plumbing regulations affect any building, structure, or premises with plumbing. The rules will affect plumbing designers, installers, inspectors, and building owners, and manufacturers and sellers of plumbing products.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

Several existing federal regulations relate to plumbing code in Wisconsin. Some of these regulations require compliance with prior editions of the International Plumbing Code (IPC), a national model code developed by the International Code Council (ICC), and the Uniform Plumbing Code (UPC), a national model code developed by the International Association of Plumbing and Mechanical Officials. A search of the United States Code (USC) found the following existing federal rules that impact plumbing:

The provisions of 24 USC § 3280.601-612 cover the "Manufactured Home Construction and Safety Standards" law. This law sets standards for plumbing materials, fixtures, and equipment installed within or on manufactured homes as of April 1, 2009.

"Safe Drinking Water Act" is codified under 42 USC § 300f-300f-9. This law regulates plumbing for the purpose of protecting drinking water from contaminants. The provisions identify the acceptable level of contaminants in drinking water.

Under 42 USC § 300g-1, the provisions of the "National Primary Drinking Water Law" are codified. This law establishes primary drinking water regulations pursuant to section 1412 of the Public Health Service Act, as amended by the Safe Drinking Water Act. Regulated by the US Environment Protection Agency (EPA). The regulations are applicable to public water systems including monitoring requirements for lead and copper in tap water.

"The Reduction of Lead in Drinking Water Act" is a federal law that amended the Safe Drinking Water Act (SDWA). The Act set new, lower standards for lead amounts permissible in plumbing products that encounter potable water. SDWA is codified under 42 USC § 300g-6 section 1417. The law reduces the permissible levels of lead in the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures to a weighted average of not more than 0.25%. EPA has primary responsibility for interpreting SDWA. Individual states utilize health or plumbing codes or other standards consistent with the SDWA and EPA regulations to enforce those standards.

The provisions of 40 USC § 143.10-143.20 and 42 USC § 300j-24 identify guidance on lead contamination drinking water. Provisions identify guidance to decrease or eliminate lead contamination drinking water. It requires each state to develop a testing program to remedy lead contamination and meet the lead-free federal definition. The "National Pollutant Discharge Elimination System (NPDES)" is codified in 33 USC § 1342. Created in 1972 by the Clean Water Act, the NPDES permit program is authorized to state governments by EPA to perform many permitting, administrative, and enforcement aspects of the program. The Clean Water Act prohibits anybody from discharging pollutants through a "point source" into a water of the United States unless they have an NPDES permit.

The Food and Drug Administration sets standards for manufacturing practice for finished pharmaceuticals. Federal codes under 21 CFR § 210-211 establish standards for plumbing in buildings and facilities that manufacture pharmaceuticals.

The federal code section, 30 CFR § 71.402 was established by the Department of Labor to protect miner's safety and health. The code sets minimum requirements for bathing facilities, change rooms, and sanitary flush toilet facilities.

Under 40 CFR § 141, "Primary Drinking Water Regulations" further set maximum levels for contaminants in drinking water.

The Energy Policy and Conservation Act, as amended (EPCA), requires the Department of Energy to administer an energy and water conservation program for certain major household appliances and commercial equipment, including certain plumbing products such as shower heads, faucets and water closets. The regulations implementing EPCA are found under 10 CFR § 430.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The changes to the plumbing codes may have an economic impact on a person or entity, such as a business, that is required to follow plumbing codes. This includes the design, construction and implementation of buildings and structures with plumbing and manufacturers and sellers of plumbing products.

Contact Person: Jake Pelegrin, Administrative Rules Coordinator
Phone: 608-267-0989, Email: DSPSAdminRules@wisconsin.gov

Approved for Publication:



Secretary

6/4/2024

Date Submitted

Approved for Implementation:



Secretary

8/6/2024

Date Submitted

Department/Council Permanent Rule Process Chart



LIST OF PLUMBING CODE CORRECTIONS - Item No. 1

SPS 381 - 384

ITEM NO.	CODE/RULE PROVISION	ISSUE/REASON FOR CHANGE	WI ADMIN CODE SPS SECTION AFFECTED	PROPOSED BY	EXISTING LANGUAGE AND PROPOSED CHANGES TO SPS	PROPOSED CODE LANGUAGE	COMMENTS & STATUS
1	SPS 381.01(141)	Amend	SPS 381.01(141)	DIS	<p>(141) "Lead-free" means: (a) When used with respect to solders and flux, containing not more than 0.2 percent lead. (b) When used with respect to pipe and pipe fittings and fixtures, containing not more than 8.0 percent lead. (c) When used with respect to the wetted surface material of pipe and pipe fittings and fixtures, containing a weighted average of not more than 0.25 percent lead.</p> <p>Note: Calculation procedures for determining the weighted average lead concentration in a product that consists of several components are listed in NSF/ANSI Standard 61, annex G, including how to comply with amended sec. 1417(d)(2) of the federal Safe Drinking Water Act (SDWA) of 2011.</p>	<p><u>(141) "Lead-free" means:</u> <u>(1) Not containing more than 0.2 percent lead when used with respect to solder and flux; and</u> <u>(2) Not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.</u></p> <p>Note: Calculation procedures for determining the weighted average lead concentration in a product that consists of several components are listed in NSF/ANSI Standard 61, annex G, including how to comply with amended sec. 1417(d)(2) of the federal Safe Drinking Water Act (SDWA) of 2011.</p>	<p>The definition within Wis. Admin. Code § SPS 381.01(141) was created under CR 13-062 (02/28/2014). The Department has not updated or modified the definition since CR 13-062. In January of 2011 there was an amendment to the Safe Drinking Water Act which further defined 'lead-free.'</p> <p>The definition is out of date from the Safe Drinking Water Act. The Department recommends updating the definition of "lead-free" to be consistent with the Federal Code of Regulations (FCR) within the Safe Drinking Water Act.</p> <p>Presented by: Mike McNally</p>