

Meeting Minutes: Plumbing Board

Date: Jan. 16, 2024
Time: 9:30 a.m.
Minutes by: Lyndy Logan
Location: Minnesota Room, DLI, 443 Lafayette Rd. No., St. Paul, MN 55155

Members

1. Karl Abrahamson (Secretary)
2. Sam Arnold
3. Richard Becker (Chair)
4. Kent Erickson (Vice Chair)
5. Mike Dryke
6. Jonathan Lemke
7. Justin Parizek
8. Bruce Pylkas
9. Scott Stewart – WebEx
10. Rick Wahlen
11. Mike Westemeier (DLI CO's Designee)
David Weum (MDH CO's Designee) – WebEx

Members Absent

Mike Herman (Vice Chair)
Shane Willis

DLI Staff & Visitors

Adam Case (Board. Counsel, DLI)
Brad Jensen (DLI)
Lyndy Logan (DLI)
Sean O'Neil (DLI)
Todd Green (DLI)
Jeff Lebowsky (DLI)
Josiah Moore (DLI)
Steve Nuebel (DLI) – WebEx
Charles Olson (DLI)
Kara Topper (DLI)
Jon Boesche (MN ABC) – WebEx
Richard Hauffe (ICC) – WebEx
Will Huston (Rice Companies) – WebEx
Lori Jansen (MWQA) – WebEx
Mike Johnson (J-Berd Mechanical)
Pete Moreau (Adv Drainage System) – WebEx
Tom Pakkala (Plumbers Local 15)
Jim Peterson (MN PHCC)
Scott Thompson (My Plumbing Training)
Phil Wood (The Jamar Company)

1. Call to Order, Chair

- A. The meeting was called to order by Chair Becker at 9:33 AM. Roll call was taken by the Secretary and a quorum was declared with 11 of 13 voting members present in person or via WebEx.
- B. Announcements – Introductions (members and attendees) – Chair Becker
 - Everyone present in person and remotely are able to hear all discussions.
 - All votes will be taken by roll call if any member is attending remotely.
 - All handouts discussed and WebEx instructions are posted on the Board's website.
 - WebEx instructions/procedures can be found on the board's website at:
<https://www.dli.mn.gov/about-department/boards-and-councils/plumbing-board>

2. Approval of meeting agenda

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

3. **Approval of previous meeting minutes**

A. **Regular Plumbing Board meeting – Oct. 17, 2023**

A motion was made by Wahlen, seconded by Lemke, to approve the Oct. 17, 2023, regular Plumbing Board meeting minutes as presented. The roll call vote was unanimous with 11 votes in favor; the motion carried.

B. **Special Plumbing Board meeting – Nov. 6, 2023**

A motion was made by Pylkas, seconded by Dryke, to approve the Nov. 6, 2023, special Plumbing Board meeting minutes as presented. The roll call vote was unanimous with 11 votes in favor; the motion carried.

C. **Special ad hoc Storm Surcharge Committee meeting – Oct. 31, 2023**

A motion was made by Abrahamson, seconded by Westemeier, to approve the Oct. 31, 2023, special ad hoc Storm Surcharge Committee meeting minutes with a revision to DLI Staff & Visitors, Mike Johnson (J-Bird Mechanical) not J-Berg. The roll call vote was unanimous with 5 Committee member votes in favor; the motion carried.

4. **Regular Business**

Expense reports were approved.

5. **Special Business**

A. Plumbing plan review and inspection fees update – Todd Green

- Green provided an update to the board on the department's proposed fee adjustments to electrical, plumbing plan review, plumbing inspection, and boiler registration fees. Green stated these programs have been experiencing operational deficits for the last 3-4 years and fee increases were necessary to offset the costs of the services they provide. Electrical fees were last adjusted in 2007, plumbing plan review in 2003, plumbing inspections in 2013, and boiler registrations in 2003. In addition to offsetting program costs, the proposed fee increases for the plumbing units will allow for additional plumbing plan review and inspection staff.

B. 2024 UPC update – Chair Becker

- Chair Becker said the ad hoc Rulemaking Committee is meeting each month to review each chapter in detail.

C. Review 2024 ad hoc Rulemaking Committee's recommended revisions to the Request for Action form – see **Attachment A**

- **A motion was made by Wahlen, seconded by Arnold, to approve the Request for Action (RFA) form as presented. The roll call vote was unanimous with 11 votes in favor; the motion carried.**

D. Enforcement & Licensing update – Sean O'Neil

- O'Neil summarized **Attachment B** regarding the unlicensed contractor that was fined \$24,500. He said there were 192 plumbing investigations closed in 2023 and currently there are 100 open/active plumbing investigations. The calendar year total (192) is slightly down from previous years, with the move to iMS cited as the main contributor to the reduction as continuing education investigations have slowed significantly. Plumbing investigations in 2023 accounted for 12-13% of all enforcement investigations. Enforcement penalties are deposited in the assigned risk safety account – see **Attachment C** – which allows business owners to apply for grants to receive safety-related equipment and supplies if they meet OSHA consultation requirements. Interested parties should contact OSHA

Consultation for more information. Plumbing contractor license renewals are going smoothly for our stakeholders, many using iMS to renew for the first time.

- O’Neil said plumbing enforcement actions are updated monthly and can be found here: <https://www.dli.mn.gov/business/plumbing-contractors/plumbing-enforcement-actions>

E. Department updates – Mike Westemeier

- Westemeier said the department hired two additional plumbing plan review staff. Plan review queue is fluctuating between 9 and 11 weeks. In the last fiscal year, the department reviewed over 2,400 plans and wrote 3,300 review letters.

6. Committee Reports

A. 2024 UPC ad hoc Rulemaking Committee update – Committee Chair Becker

- Chair Becker said the committee met twice and reviewed Chapters 1, 2, and Definitions. At the next meeting in February, the Committee will begin their review with “Q” in Definitions.

B. Construction Codes Advisory Council (CCAC)

- Abrahamson gave a brief recap from the last CCAC meeting held on [Nov. 8, 2023](#).

7. Complaints and Correspondence

None

8. Open Forum

None

9. Board Discussion

No discussion

10. Announcements

Regularly scheduled meetings occur on the 3rd Tuesday of each quarter at 9:30 a.m., in-person at DLI with WebEx/Phone options. The next regular meeting will be held on April 16, 2024.

11. Adjournment

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

Respectfully submitted,

Karl Abrahamson

Karl Abrahamson
Secretary

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.

Plumbing Board Request for Action

PRINT IN INK or TYPE

NAME OF SUBMITTER

PURPOSE OF REQUEST (check all that apply): ☐ New Code
☐ Code Amendment ☐ Repeal of an existing Rule

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
☐ Other (describe) _____

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.

Office Use Only

RFA File No.	Date Received by DLI	Dated Received by Committee	Date of Forwarded to Board
Title of RFA	By:		
Committee Recommendation to the Board: ☐ Accept ☐ Reject ☐ Abstain			
Board approved as submitted: ☐ Yes ☐ No		Board approved as modified: ☐ Yes ☐ No	

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.

If your product/method standard(s) is not currently listed in a national code, 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:

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

Primary reason for change: (check only one)

- | | |
|---|--|
| ☐ Protect public, health, safety, welfare, or security | ☐ Mandated by legislature |
| ☐ Lower construction costs | ☐ Provide uniform application |
| ☐ Encourage new methods and materials | ☐ Clarify provisions |
| ☐ Change made at national level | ☐ Situation unique to Minnesota |
| ☐ Other (describe) _____ | |

Anticipated benefits: (check all that apply)

- | | |
|---|---|
| ☐ Save lives/reduce injuries | ☐ Provide more affordable construction |
| ☐ Improve uniform application | ☐ Provide building property |
| ☐ Improve health of indoor environment | ☐ Drinking water quality protection |
| ☐ Provide more construction alternatives | ☐ Decrease cost of enforcement |
| ☐ Reduce regulation | ☐ Other (describe) _____ |

The Following Information is Optional. This Information can Assist in Evaluating a Request for Action and in Rulemaking and Should be Provided if Known.

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:

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

ADDRESS	CITY	STATE	ZIP CODE
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PHONE	SIGNATURE (original or electronic)	DATE
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For Assistance or questions on completing this form, contact Mike Westemeier, Department of Labor and Industry at michael.westemeier@state.mn.us or by phone 651-284-5898.

For Office/Committee Use Only			
Proposal received completed? ☐ Yes ☐ No			
Date Proposer notified of gaps:	Mode of notification (e.g., e-mail)	Date returned to Proposer:	Date materials re-received:

Unlicensed contractor fined \$24,500

- An unlicensed contractor operating out of Browerville and Long Prairie, Minnesota, was found to have engaged in residential remodeling work without a license. The contractor was ordered to cease and desist from the unlicensed activities and fined \$24,500.
- An Arkansas contractor was found to have engaged in unlicensed electrical work. The contractor was ordered to cease and desist from the unlicensed activity and fined \$7,500.
- An unlicensed Shakopee, Minnesota, contractor was found to have engaged in plumbing and electrical work without having the appropriate contractor licenses. The contractor was ordered to cease and desist from the unlicensed activity and fined \$4,000, which was stayed contingent on future compliance.
- A licensed Golden Valley, Minnesota, residential building contractor was found to have breached contracts with multiple homeowners, demonstrating financial irresponsibility. DLI revoked the contractor's business license and assessed a \$10,000 fine.
- A licensed Woodbury, Minnesota, residential building contractor was found to have breached contracts with multiple homeowners by failing to complete projects after receiving payments. DLI revoked the contractor's license and assessed a \$30,000 fine, which was stayed contingent on full future compliance and full cooperation with homeowners seeking to apply for potential reimbursement to the Contractor Recovery Fund.



More information

View summaries of enforcement actions at dli.mn.gov/workers/homeowners/file-complaint-and-view-enforcement-actions. Contact us at 651-284-5069 or dli.contractor@state.mn.us.

79.253 ASSIGNED RISK SAFETY ACCOUNT.

Subdivision 1. **Creation of account.** There is created the assigned risk safety account as a separate account in the special compensation fund in the state treasury. Income earned by funds in the account must be credited to the account. Principal and income of the account are annually appropriated to the commissioner of labor and industry to establish and promote workplace safety and health programs.

Subd. 2. **Use of funds; safety assessments.** The assigned risk plan shall, through persons under contract with the plan, perform on-site surveys of employers insured by the assigned risk plan and recommend practices and equipment to employers designed to reduce the risk of injury to employees. The recommendations may include that the employer form a joint labor-management safety committee. The plan shall generally survey employers in the following priority:

- (1) employers with poor safety records for their industry based on their premium modification factor or other factors;
- (2) employers whose workers' compensation premium classification assigned to the greatest portion of the payroll for the employer has a premium rate in the top 25 percent of premium rates for all classes; and
- (3) all other employers.

Subd. 2a. **Eligible applicants.** An employer is eligible to apply for a grant or loan under this section if the employer meets the following requirements:

- (1) the employer's workers' compensation insurance is provided by the assigned risk plan, is provided by an insurer subject to penalties under chapter 176, or the employer is self-insured;
- (2) the employer has had an on-site safety survey conducted by a Minnesota occupational safety and health investigator, a Minnesota Department of Labor and Industry workplace safety and health consultant, an in-house employee safety and health committee, a workers' compensation underwriter, a private safety consultant, or a person under contract with the assigned risk plan; and
- (3) the on-site safety survey recommends specific safety practices or equipment designed to reduce the risk of illness or injury to employees.

Subd. 3. **Incentives and penalties.** The assigned risk plan shall develop a premium rating system subject to approval by the commissioner of commerce that provides a reduction in premium rates for employers that follow safety recommendations made under this section and an increase in rates for employers that do not. The system must be sensitive to the economic ability of an employer to implement particular recommendations.

Subd. 4. **Grants and loans.** The commissioner of labor and industry may make grants or loans to employers for the cost of implementing safety recommendations made under this section.

Subd. 5. **Rules.** The commissioner of labor and industry may adopt rules necessary to implement this section.

History: 1992 c 510 art 3 s 8; 1995 c 231 art 2 s 8; 1997 c 200 art 1 s 46