

January 6, 1999
ILR 99-A

Senator Karen Hale
2564 Maywood Drive
Salt Lake City, UT 84109

Subject: **Plumbing Code**

Dear Senator Hale:

In response to your request, we examined several issues regarding the adoption and enforcement of the new plumbing code. We also examined what the state has done to provide notification to licensed professionals of changes in the plumbing code and what training and education provided to update licensed professionals within the trade. We found that compliance with the plumbing code is generally widespread and enforcement by the local building officials does not appear to be a problem. We learned that compliance with the newly adopted plumbing code is not mandated until January 1, 1999. The state has made several efforts to notify all licensed professionals of changes to the code and they have provided many education seminars around the state to update the licensed plumbers, contractors and inspectors. The results of our review are summarized in the following statements.

Enforcement of the Plumbing Codes Does Not Appear to Be a Problem

The Division of Occupational and Professional Licensing (DOPL) recently adopted the International Plumbing Code (IPC), replacing the Uniform Plumbing Code (UPC) as the new minimum standard for compliance with plumbing system installations in the state. The Building Code Commission recommended the adoption to DOPL after studying the proposal and holding public hearings to consider the issues. The code was adopted in January 1998 but a one year grace period was allowed during which plumbing contractors could get familiar with the changes and choose to comply with either the IPC or the UPC. Both codes are similar in that they require compliance with minimum standards but the UPC is more prescriptive in that it gives specific

instructions as to what types of materials, fixtures, etc. must be used to meet compliance. The IPC gives the minimum standard and lets the contractor decide which materials and methods will best meet the compliance. Both codes address the issues of public health, sanitation, safety and welfare and how to avoid public endangerment with system installations.

Several issues were specifically mentioned by Mr. Briggs; the most critical of which was his belief that cross flow and back flow connections in plumbing systems around the state may contaminate the drinking water supply. He is concerned that there may be a lack of enforcement with the plumbing code at both the local level and the state level. He is also concerned that plumbers and inspectors may not be aware of the changes to the plumbing code and they may not be educated in the details of the newly adopted plumbing code. We did a limited review of these issues and our results are summarized below:

- Plumbers and inspectors are notified of newly adopted codes and any code changes.
- Compliance with new plumbing code not mandated until January 1, 1999.
- Enforcement of codes appears to be functioning at the local and state levels.

Notification of the Changes and Educational Opportunities Have Been Provided.

According to the statute, DOPL is required to provide education regarding codes and code amendments to all licensed professionals in construction-related trades. During the past year, DOPL has on several occasions, notified all licensed plumbers and contractors about the adoption of the IPC and the date of enforcement. In addition, the new code, any amendments and the deadline for enforcement have been discussed by trade organizations such as the Utah Association of Plumbers and Mechanical Officials (UAPMO) and the Utah Pipe Trades Association (UPTA). All licensed plumbers and contractors have been notified and have had opportunities during the past year to attend training seminars to instruct them of the changes.

Licensed inspectors of all classifications were also notified by DOPL, of code changes and amendments to the plumbing code. The April 1997 issue of Utah Construction Trades newsletter discussed the adoption of the IPC and was sent to all licensed inspectors. The statute requires DOPL to provide education to inspectors so that they might learn more of the specific codes and amendments. There have been at least seven different educational seminars scheduled for the inspectors and plumbers regarding the recent changes to the plumbing code.

Compliance with the Newly Adopted IPC Is Not Required until January 1, 1999.

According to the Administrative Rules, the 1997 edition of the IPC was adopted and made effective January 1, 1998. However, the rule stipulates that the 1997 UPC would be an acceptable alternative until January 1, 1999. In other words, contractors had a one year grace period to become educated and to implement the changes in the code. During the past year plumbers could choose to comply with either the UPC or the IPC and either code would be acceptable.

Enforcement Appears to Be Working at the Local Jurisdiction and at the State Level.

It is the responsibility of the chief building official in each local jurisdiction to inspect, and his

judgement to pass or reject installations and modifications of plumbing systems. The state's responsibility for compliance is to monitor and enforce the licensing of the plumbers, contractors and building inspectors. We spoke with the licensing coordinator at the state level and he believes that local jurisdictions generally meet the minimum standards for compliance with both the UPC and IPC. He has not seen any indication that any amendments to, or the adoption of a new plumbing code has caused an increase in the number of violations detected or reported by the local municipal inspectors. In addition, we contacted the local building official in one of the busiest jurisdictions in the state. He has not seen any indication of problems relating to back flow or cross flow contamination because of changes to or adoption of new plumbing codes and he does not believe that any plumbing systems will be compromised with the implementation of the IPC. He said the IPC has been in rule for years in other states without any apparent problems or compromise to health and safety and he believes it will be implemented in Utah without any problems. He also said he hasn't seen any significant problems with cross flow or back flow contamination due to modification of plumbing systems by homeowners or plumbers performing maintenance or remodeling projects. The code clearly indicates that modifications to pipes, valves or fixtures require a permit which includes inspection by a licensed inspector. He said inspections are conducted on every plumbing system where a permit indicates it is needed. He doesn't believe that homeowners are secretly installing or modifying their plumbing systems without permits.

As with any minimum standard, there is a degree of individual interpretation by each plumbing contractor and inspector. Some jurisdictions may be more lenient than others when interpreting the codes and compliance is somewhat subjective. However, from our brief review of the issues, we haven't seen any indication that enforcement of the plumbing code is lacking and we feel notification of changes to the code and educational opportunities have been provided.

We hope this letter provides you with the information you need on the issues. If you have any questions or need additional information, please contact us.

Sincerely,

Wayne L. Welsh
Auditor General

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