

Backflow Preventer Tester Plumbing License Code Path

P.A. 407 Skilled Trades Act/Article 11 Plumbers and Plumbing Contractors

P.A. 230 State Construction Code Act

P.A. 399 Safe Drinking Water Act, Part 14 Cross Connection Control Rules

Michigan Plumbing Code

International Plumbing Code Commentary

Michigan Residential Code

P.A. 230 of 1972 Stille-DeRossett-Hale single state construction code act:

[http://www.legislature.mi.gov/\(S\(asmktkoc4tdnqaecaa05eoxh\)\)/mileg.aspx?page=getObject&objectname=mcl-act-230-of-1972&queryid=40215&highlight=](http://www.legislature.mi.gov/(S(asmktkoc4tdnqaecaa05eoxh))/mileg.aspx?page=getObject&objectname=mcl-act-230-of-1972&queryid=40215&highlight=)

AN ACT to create a construction code commission and prescribe its functions; to authorize the director to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of remanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish penalties, remedies, and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation.

P.A. 407 of 2016 Skilled Trades Act/Article 11 Plumbers and Plumbing Contractors/Page 36 of the Act:

[http://www.legislature.mi.gov/\(S\(us0554ff1vw4wwakt2nqc0bf\)\)/mileg.aspx?page=getObject&objectName=mcl-407-2016-11](http://www.legislature.mi.gov/(S(us0554ff1vw4wwakt2nqc0bf))/mileg.aspx?page=getObject&objectName=mcl-407-2016-11)

AN ACT to revise and consolidate, and classify the laws of this State regarding the regulation of certain occupations in the skilled trades and to regulate persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain State and local governmental officers and entities, including the boards created under this act; to provide for the promulgation of rules; to provide for fees; to provide for penalties and civil fines; and to repeal acts and parts of acts.

Michigan Plumbing Code:

Section 101.3 Intent: The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and

controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems.

Section 102.3 Maintenance:

All plumbing systems, materials and appurtenances, both existing and new, and all parts thereof, **shall be maintained in proper operating condition** in accordance with the original design in a safe and sanitary condition. All devices or safeguards required by this code shall be maintained in compliance with the code edition under which they were installed.

Section 312.10.1 Inspections:

Annual inspections shall be made of all backflow prevention assemblies and air gaps **to determine whether they are operable**.

- Section P2503.8.1 MRC provides identical language.

Section 312.10.2 Testing:

Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies and hose connection backflow preventers shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10 or CSA B64.10.1.

- Section P2503.8.1 MRC provides identical language but excludes reduced pressure detector fire protection.

Skilled Trades Act P.A. 407 of 2016:

Section 338.3519 Definitions:

Sec. 9

(b): "**Plumbing**" means the practice, materials, and fixtures, in or adjacent to a building, structure, or premises, **used in the** installation, **maintenance**, extension, or alteration **of all piping, fixtures, plumbing appliances, plumbing appurtenances, as defined by the code, in connection with** the sanitary drainage or storm drainage facilities, plumbing venting systems, medical gas systems, **backflow preventers**, and public or private water supply systems.

Examples plumbing appurtenances 2012 IPC Commentary Section 202 Definitions: include water closet seats, hand held showers, manifolds, **backflow preventers**, water hammer arrestors, strainers and filters.

(c) ***“Plumbing contractor” means*** a licensed master plumber or a person who employs a licensed master plumber full-time to directly supervise the installation of plumbing as his or her representative ***engaged in the business of plumbing*** for a fixed sum, price, fee percentage, valuable consideration, or other compensation ***and who is licensed as a plumbing contractor.***

338.3525 Plumbing; license required: exceptions

Sec. 15.:

(1) **A person shall not engage in or work at the business of a plumbing contractor, master plumber, journey plumber, or apprentice plumber unless licensed or registered by the department. Except as provided in subsections (2), (3), (4), and (5), plumbing shall be performed by a licensed master or journey plumber.** A licensed master plumber shall be in charge and responsible for proper installation and conformance with the code. Plumbing shall not be performed unless the plumbing contractor who is responsible has secured a permit from the state or a governmental subdivision authorized to issue permits.

(2) **A license is not required for the following work:**

(a) Minor repair work.

(b) The installation of a building sewer or water service pipe provided that a permit is secured from the responsible enforcing agency and inspections are performed. The installations shall comply with the applicable code.

(c) The installation of domestic water treatment and filtering equipment that requires modification to an existing cold water distribution supply and associated waste piping in buildings if a permit is secured, required inspections performed, and the installation complies with the applicable code. If the enforcing agency determines a violation exists, it shall be corrected by the responsible installer.

(3) A homeowner may install his or her own plumbing, building sewer, or private sewer in his or her single-family dwelling if a permit is secured.

(4) The installation of medical gas piping providing the installation shall be performed under the supervision of a licensed plumbing contractor.

- (5) This act does not prevent a person from performing any activities within the scope of licensure or registration under any other licensure or registration act or applicable codes for that licensed or registered professional adopted pursuant to law.

338.3517 Definitions: J to M.

Sec. 7.:

(e) "Minor repair" means a repair which involves only the clearance of stoppages, repair, or replacement of a faucet, valve, reinstallation of that same plumbing fixture provided that no modifications are made to the plumbing system or residential domestic water treatment and filtering equipment. **Minor repair does not include any of the following:**

- (i) The repair or replacement of a backflow preventer and air admittance valves.

338.3569 Repeal of MCL 338.901 to 338.917 and 338.951 to 338.965.

Sec. 59.:

The following acts are repealed:

(a) 1929 PA 266, MCL 338.901 to 338.917.

(b) 1901 PA 222, MCL 338.951 to 338.965.

Note: There have been no amendments concerning testing of backflow preventers pursuant to P.A. 407.

STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT Act 230 of 1972:

125.1504 State construction code; rules; promulgation; contents; purposes, objectives, and standards; recommendations by boards; frequency of updates; public meeting; notice; request to promulgate rule; availability of code to public; use of material or method of manufacture during interim.

Sec. 4

(e) To ensure adequate maintenance of buildings and structures throughout this state **and to adequately protect the health, safety, and welfare of the people.**

International Plumbing Code Commentary 2012:

Excerpt page 3-42:

"In most cases, the code official assumes that the building owner has the required tests performed just as the building owner would perform periodic maintenance and

tests on other types of building equipment, such as HVAC units, filter replacements, etc."

Bavco Backflow Apparatus & Valve Company:

A backflow prevention assembly test kit is a tool. A tool that when properly used, can diagnose how a backflow prevention assembly is operating. A test kit on its own does nothing. Only when this tool is placed in the hands of a skilled operator following proper test procedures, does this tool do what it is designed for, which is to generate data. A knowledgeable tester must interpret the data that is generated. The test kit does not tell you if the assembly is working, it only generates data that a knowledgeable tester must interpret. A test kits purpose is to perform a diagnostic analysis of a backflow preventer at one point in space and time.

Summary:

The MPC and MRC require annual inspections and testing in order to determine whether the assemblies are operable. Section 102.3 MPC requires all plumbing systems and parts to be maintained in proper operating condition. The testing equipment utilized for testing is the tool used to accomplish this. P.A. 733 State Plumbing Act states that in order to work in the business of plumbing you must be a licensed plumber. The definition of plumbing includes maintenance. P.A. 230 requires buildings to be maintained.

It is reasonable to conclude based upon the code path provided that testing a backflow preventer is considered maintenance on a plumbing system and therefore the Skilled Trades Act, P.A. 407 requires persons engaged in maintaining and testing a backflow preventer to be a licensed plumber.