



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
IRVIN J. POKE
DIRECTOR

MIKE ZIMMER
DIRECTOR

CONSTRUCTION CODE COMMISSION
Conference Room 3, First Floor
2501 Woodlake Circle
Okemos, Michigan 48864

AGENDA

April 1, 2015
9:30 a.m.

- 1. Call to Order and Determination of Quorum
- 2. Approval of Agenda (1-2)
- 3. Approval of Minutes – January 7, 2015 (3-9)
- 4. Director’s Report I. Poke
- 5. Rescinding Ordinances – Document #15-17 (10) K. Lambert
City of Manistee, Manistee County
- 6. Report of Assistance Requests – Document #15-16 (11) K. Lambert
- 7. Applications for Program Approval - Document #15-12 (12-15) T. Cordill
- 8. Applications for Instructor Approval – Document #15-13 (16-17) T. Cordill
- 9. 1986, Act 54 Registration Applicants – Document #15-14 a-h (18-28) T. Cordill
- 10. Certificate of Acceptability T. Cordill
Cozy Cabins – CA #558 – Document #15-15 (29)

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AGENDA – Construction Code Commission – April 1, 2015

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11. Recommended Product Approvals

- a.) NewAge Casting Company, LP J. Madziar
NewAge Cast Iron Soil Pipe & Fittings NH, SV, and ZFBE, BCCP-14-008
Document #15-11 (30-35)

12. Unfinished Business

13. New Business

14. Public Comment

15. 2015 Schedule – July 1, October 7

16. Adjournment

The meeting site and parking is accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Hillary Cushman at (517) 241-9302 at least 10 business days before the event.



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MINUTES
January 7, 2015
9:30 a.m.

MEMBERS PRESENT

Mr. William Benoit, Jr. (Chair)
Mr. Michael Boss
Mr. Frederick Butters
Mr. Anthony D'Ascenzo
Mr. Roger Donaldson
Mr. William Duffield
Mr. Thomas Erdman
Mr. Kenneth D. Misiewicz
Mr. Sean O'Neil
Mr. Roger Papineau
Mr. Matthew Reno
Mr. Donald Staley
Mr. Richard Miller

MEMBERS ABSENT

Mr. Thomas Baldwin
Mr. Clifton (Jack) Lewis
Mr. Kenneth Misiewicz
Mr. Nelson McMath

DEPARTMENT PERSONNEL PRESENT

Mr. Keith Lambert, Deputy Director, BCC
Ms. Hillary Cushman, Assistant to Mr. Poke
Ms. Deb Young, Director, Office of Administrative Services
Ms. Jessica Lightner, Assistant to Ms. Young
Mr. Michael Somers, Specialist, Office of Administrative Services
Ms. LeeAnn Allaire, Analyst, Office of Management Services
Mr. Dan O'Donnell, Chief, Electrical Division
Mr. Kevin Kalakay, Chief, Mechanical Division
Mr. Joseph Madziar, Chief, Plumbing Division
Mr. Andy Neuman, Assistant Chief, Plumbing Division
Mr. Todd Cordill, Chief, Plan Review & Building Division
Mr. Stanley Skopek, Assistant Chief, Plan Review & Building Division
Mr. Charlie Curtis, Assistant Chief, Plan Review & Building Division
Mr. Dean Austin, Electrical Division

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OTHERS IN ATTENDANCE

Mr. Ron Brown, National Fire Sprinkler Association
Ms. Susan M. VanderPol, Osceola County
Mr. Larry Ermig, Osceola County
Mr. Lee Schwartz, Home Builders Association of Michigan
Mr. Don LaBrenz II, Osceola County

1. **CALL TO ORDER AND DETERMINATION OF QUORUM**

Chairperson Benoit called the meeting to order at approximately 9:30 a.m. A quorum was determined present at that time.

2. **APPROVAL OF AGENDA**

Chairperson Benoit indicated the agenda will be amended to move the City of Cadillac from item #14 to item #4a.

Commissioner O'Neil moved to approve the amended agenda. Commissioner Reno seconded the motion. **MOTION CARRIED.**

3. **APPROVAL OF MINUTES**

Commissioner Donaldson moved to approve the minutes of the October 1, 2014 meeting. Commissioner Duffield seconded the motion. **MOTION CARRIED.**

4. **DIRECTOR'S REPORT**

Deputy Director Lambert reported that Director Poke is planning to have counsel from the Attorney General's Office provide training to the Construction Code Commission prior to the next meeting.

Deputy Director Lambert stated that the sixth annual joint conference for Code Officials Conference of Michigan and the Bureau of Construction Codes will be held February 3-4 at the Ramada Inn & Conference Center on the west side of Lansing.

Deputy Director Lambert advised the Commission that the bureau has completed approximately 4,500 demolition inspections for the Michigan Land Bank within the cities of Pontiac, Highland Park, Saginaw, Flint, Benton Harbor and Grand Rapids. This includes almost 3,000 demolitions within the City of Detroit Hardest Hit Program.

Deputy Director Lambert reported that the bureau is participating in an ongoing task force with the mobile home industry to determine long term solutions for the Mobile Home Commission Act. This group was formed as a result of the condemnation of a mobile home park and HB 5513 which was introduced in the

last legislative session. Responsibilities for local units of governments may be affected depending on the nature of how this act may be amended.

The public hearing for the Part 8 Electrical Code is scheduled for February 10. Anyone wishing to provide comments may either attend the hearing or provide written testimony. Additional information on the hearing is posted on the bureau's website.

The Board of Mechanical Rules Licensing Examination Rules have been revised effective December 23. These rules address only the examination procedures as authorized by the Forbes Mechanical Contractors Act.

Deputy Director Lambert reported on legislative actions in various stages of the process.

Public Act 361 of 2014 became effective December 16. This amends the Former Offenders Act to allow a licensing board or agency to consider a certificate of employability in the determination an individual's good moral character. Both the State Plumbing Act and the Forbes Mechanical Contractors Act require applicants be of good moral character for licensure qualification.

House Bill 5318 was presented to the Governor on January 5. If signed, Public Act 230 would be amended to direct water utilities to comply with the Safe Water Drinking Act for the testing frequency of backflow prevention devices. This would supersede the requirement in Section 312.10.1 of the plumbing code.

House Bill 4001 was enrolled on December 19. If signed, the Freedom of Information Act would be amended to modify costs that can be charged in processing these requests as well as other various items. Currently, the bureau has not performed a complete review of this bill.

Deputy Director Lambert stated that effective December 19, Mike Zimmer was appointed the Director of Licensing and Regulatory Affairs. He served as acting director for the department after the previous director Steve Arwood left the position.

Deputy Director Lambert reported that effective February 6, Jim Hennesey, assistant chief of the electrical division will retire. Also, effective January 29, Bob Page, plumbing inspector, will retire.

Deputy Director Lambert announced that Joe Madziar, plumbing chief, has been appointed to the code action committee for ICC. Also, Kevin Kalakay, mechanical chief, has been appointed to the ICC-ES PMG listing committee. Both Joe and Kevin have also been appointed to the NSF 14 standards committee.

4a. **APPLICATIONS TO ADMINISTER AND ENFORCE**

City of Cadillac, Wexford County

The City of Cadillac was granted a conditional approval for their Application to Administer and Enforce at the October, 1, 2014 Construction Code Commission meeting. Since that time the city has requested additional time from the Commission to address the application's deficiencies and comply with the Commission's Order.

After discussion regarding the request for additional time and the remaining deficiencies, Commissioner Duffield moved to withdraw the conditional approval and deny the original Application to Administer and Enforce. Commissioner Reno seconded the motion. **MOTION CARRIED.**

5. **APPLICATIONS TO ADMINISTER AND ENFORCE**

Osceola County - Document #15-01

Mr. Somers presented an Application to Administer and Enforce for Osceola County. It is the recommendation of staff to deny this Application to Administer and Enforce.

After discussion, Commissioner Duffield moved to approve the County of Osceola's Application to Administer and Enforce. Commissioner O'Neil seconded the motion subject to staff verification that the findings cited by staff were all addressed by the county. **MOTION CARRIED.**

6. **RESCINDING ORDINANCES**

Village of Lake Isabella, Isabella County - Document #15-02

Mr. Somers presented the rescinding ordinance from the Village of Lake Isabella transferring building, electrical, mechanical and plumbing code enforcement authority to the Bureau of Construction Codes.

This information was presented for information purposes only.

7. **PERFORMANCE EVALUATION REPORT**

Texas Township/Kalamazoo County – Document #15-06

Mr. Somers presented a recommendation to close the Texas Township Performance Evaluation file. Based on the township's continued level of compliance, it is the recommendation of staff to close the file.

Commissioner Reno moved to approve the recommendation to close the Performance Evaluation file. Commissioner Erdman seconded the motion. **MOTION CARRIED.**

8. REPORT OF ASSISTANCE REQUESTS

Document #15-07

Mr. Lambert provided the Report of Assistance Requests to the commission for informational purposes.

9. APPLICATIONS FOR PROGRAM APPROVAL

Document #15-03

Mr. Cordill presented a list of continuing education program applications for approval. The programs were reviewed and found to be in compliance with the registration rules and it is the recommendation of staff that the programs be approved.

Commissioner Boss moved to approve the applications as submitted. Commissioner Donaldson seconded the motion. **MOTION CARRIED.**

10. APPLICATIONS FOR INSTRUCTOR APPROVAL

Document #15-04

Mr. Cordill presented a list of Instructors of Continuing Education Programs for approval. The applications were reviewed and found to be in compliance with the registration rules and it is the recommendation of staff that the applications be approved.

Commissioner Reno moved to approve the instructors. Commissioner O'Neil seconded the motion. **MOTION CARRIED.**

11. 1986, ACT 54 REGISTRATION APPLICANTS

Document #15-05 a-h

Mr. Cordill presented a list of applications for registration as building officials, building inspectors, plan reviewers, electrical inspectors, and plumbing inspectors. It is the recommendation of staff that the individuals listed be approved.

Commissioner Boss moved to approve the applications as submitted. Commissioner Staley seconded the motion. **MOTION CARRIED.**

12. CERTIFICATE OF ACCEPTABILITY

Modular Space Corporation – CA #556 Document #15-08

Mr. Cordill presented a Certificate of Acceptability for approval.

Commissioner Donaldson moved to approve the Certificate of Acceptability.
Commissioner Erdman seconded the motion. **MOTION CARRIED**

13. RECOMMENDED PRODUCT APPROVALS

a.) MIFAB, Inc. – Document #15-09

Mr. Madziar presented the MIFAB, Inc. device for installation and use in the State of Michigan. It is the recommendation of staff that this product be approved.

Commissioner Reno moved to approve the application as submitted.
Commissioner O'Neil seconded the motion. **MOTION CARRIED.**

b.) B-DRY SYSTEMS – Document #15-10

Mr. Madziar presented the B-DRY SYSTEMS device for installation and use in the State of Michigan. It is the recommendation of staff that this product be approved.

Commissioner Erdman moved to approve the application as submitted.
Commissioner Donaldson seconded the motion. **MOTION CARRIED.**

14. PUBLIC COMMENT

NONE

15. UNFINISHED BUSINESS

Revisit the City of Cadillac Application to Administer and Enforce. This item was moved to item number 4a.

16. **NEW BUSINESS**

NONE

17. **ADJOURNMENT**

Commissioner Donaldson moved to adjourn the meeting at approximately 10:46 a.m. Commissioner O'Neil seconded the motion. **MOTION CARRIED.**

APPROVED:

Chairman, Construction Code Commission

Date

DRAFT



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DOCUMENT #15-17

March 23, 2015

To: Members of the Construction Code Commission
From: Keith Lambert, Deputy Director
Subject: Rescinding Ordinance

The following unit of government has submitted a rescinding ordinance. The ordinance has been reviewed and found to be acceptable.

City of Manistee/Manistee County

Michigan Building Code

Rescinding Ordinance No. 15-02

Previously locally enforced; rescinding to the Bureau of Construction

Codes

This document is provided for informational purposes. In accordance with 1972 PA 230, Section 8b (7), the transfer listed above does not require formal action by the Commission.

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DOCUMENT #15-16

March 26, 2015

TO: Members of the Construction Code Commission
FROM: Keith Lambert, Deputy Director
SUBJECT: Report of Assistance Requests

The bureau has **granted** assistance as follows:

- a.) Saginaw Valley State University, Saginaw County
Project: Zahnaw Library, 2nd Floor Collections & Acquisitions
Offices, 7400 Bay Road, Kochville
Services: Building, electrical, mechanical and plumbing plan
review, permit and inspection
Effective: 02/11/2015 until completion of project
- b.) Wayne State University, Wayne County
Project: Engineering Building Reliability Upgrade
Services: Electrical plan review, permit and inspection
Effective: 03/25/2015 until completion of project
- c.) Central Michigan University, Isabella County
Project: Lacrosse, Soccer and Student Recreation Facility Project,
Rose Ryan/Student Activity Center Room 141
Services: Building, electrical, mechanical and plumbing plan
review, permit and inspection
Effective: 02/11/2015 until completion of project

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* Registrants holding one or more Inspector classification are required to attend Technical and Specialty training to be eligible for reregistration at the end of the present code cycle. If that is successfully accomplished, there are no additional Technical or Specialty credits necessary to also become eligible for reregistration as either a Building Official and/or Plan Reviewer. A person who is registered **only** as a Building Official and/or Plan Reviewer **without any Inspector classification** will receive the listed Technical and/or Specialty credit towards reregistration qualification for attending this program.

Specialty approvals are granted for one of the four Inspector (trade) classifications. Inspectors receive credits only for attending programs associated with their trade; a Mechanical Inspector does not satisfy those requirements by attending a Building, Electrical or Plumbing program. Someone registered **only** as a Building Official and/or Plan Reviewer **without any Inspector classification** will receive credit for all Specialty programs attended, regardless of the trade(s).

Technical approvals are granted for programs addressing a specific code. Inspectors receive Technical credit only for programs addressing the code they enforce. Someone registered **only** as a Building Official and/or Plan Reviewer without any Inspector classification will receive credit for all Technical programs **in their cycle** which they attended, regardless of the trade.

** Programs approved for Plan Review credits satisfy unique requirements placed on Plan Reviewer registrants. Even though the title of an individual program may refer to a specific trade or code, all Plan Review program credits apply to any Plan Reviewer.

**** Credit for documented participation in/attendance at formal code change hearings conducted and reported by a nationally recognized code-promulgating organization will be recognized when the subject is a code enforced by the registrant. Credit is granted in one-hour increments and is divided between Technical and Specialty. The first hour is Technical, the second Specialty, the third Technical, the fourth Specialty, etc. Seven hours would be credited as four Technical and three Specialty, for example.

ISC =Independent Study Course

I = Internet Course

CR = Classroom

Department of Licensing and Regulatory Affairs-Bureau of Construction Codes-2012/2015 Inspector Continuing Education Programs

Program Number	Credit Hours						Contact	Organization	Phone	Title
	Admin	Comm	Spec	Tech	PR	Classification				
17862					3	PR**	Russell Thornburg	SEMBOIA	(507) 413-2027	IRC Structural Plan Review Pt. 1 (am)
17863					3	PR**	Russell Thornburg	SEMBOIA	(507) 413-2027	IRC Structural Plan Review Pt. 2 (pm)
17864					2	PR**	Paul Waug Knapp	Reciprocal Electrical Council, Inc.	(248) 477-6739	Basic Fire Alarm Plan Review
17865				1	1	EI*	Paul Waug Knapp	Reciprocal Electrical Council, Inc.	(248) 477-6739	Boxes & Raceway Question & Answer A314
17866				2		EI*	Alan Manche	Schneider Electric	(859) 245-7925	Emergency and Standby Power Systems
17867			2			EI*	Alan Manche	Schneider Electric	(859) 245-7925	Circuit Breaker Basics and Equipment Markings
17868				3		PI*	James R. Russell	Tri-County Plumbing Inspectors Assoc	(586) 806-0030	Water Distribution Valves
17869				1	1	EI*	George Little	Reciprocal Electrical Council, Inc.	(248) 933-1139	Inspector Code Panel Q and A
17870	1	1				ALL	Dan O'Donnell	BCC/Electrical Department	(517) 241-9320	Inspection Reports, Violation Notices, and Complaint Investigation
17871				1		EI*	Dan Radecki		(616) 395-0196	MEC Article 516
17872	3					ALL	Bryan Dryer	ETC Training Services Group	(734) 955-6600	Residential Builders License Continuing Education Course
17873			2			PI*, MI*	James Paschal	Paschal Engineering	(734) 347-7428	Polypropylene Piping Systems for Mechanical and Plumbing Systems
17874			1	1	1	EI, PR**	Anton M. Tomasin		(248) 561-4351	Concrete Encased Electrodes & Grounding Electrode Systems
17875	1					ALL	John Paradine	BCC/Mechanical Division	(517) 241-9325	Overview of the Forbes Mechanical Act 1984 PA 192 and Associated Licensing Rules
17876				8		BI*	Daniel S. Zechmeister	Masonry Institute of Michigan	(248) 663-0415	Masonry 101
17877			1			BI*	Daniel S. Zechmeister	Masonry Institute of Michigan	(248) 663-0415	Movement Control
17878			1			BI*	Daniel S. Zechmeister	Masonry Institute of Michigan	(248) 663-0415	Flashing Multi-Wythe Masonry Walls

Department of Licensing and Regulatory Affairs-Bureau of Construction Codes-2012/2015 Inspector Continuing Education Programs

17879				1		BI*	Daniel S. Zechmeister	Masonry Institute of Michigan	(248) 663-0415	Special Inspection for Structural Masonry
17880				1		BI*	Daniel S. Zechmeister	Masonry Institute of Michigan	(248) 663-0415	Energy Code Compliance for Single Wythe Concrete Masonry Walls
17881				2		PI*	Andy B. Neuman Jr.	BCC/Plumbing Division	(517) 241-9330	Inspection and Testing for Plumbing Installations
17882			2			PI*	Jason Clark	Hansgrohe	(770) 315-8967	Behind the Wall Plumbing Secrets
17883			1	1		BI*	Todd Cordill	BCC/Building Division & Plan Review	(517) 241-9328	Significant Changes to the Michigan Building Code, 2012 Edition
17884			2			ALL	Stan Skopek	BCC/Plan Review	(517) 241-9328	Site Plan Review for Public and Charter Schools, Inspector Training
17885				1	1	EI*, PR**	Paul Waug Knapp	Reciprocal Electrical Council, Inc.	(248) 477-6739	ASHRAE 90.1 2010 Standard
17886	1		1			EI*, ALL (Admin Only)	Paul Waug Knapp	Reciprocal Electrical Council, Inc.	(248) 477-6739	Basic of a Field Evaluation
17887	1					ALL	Tracie Pack	BCC/Building Division	(517) 241-9317	Mobile Home Parks - Who has Jurisdiction?
17888				8		BI*	Ira (Jim) Rowell		(517) 861-6372	Options for Mixed Occupancies
17889			2			BI*	John J. Gruber	Sheppard Engineering	(248) 585-4240	Wood Truss Permanent Bracing
17890		1				ALL	Irvin J. Poke	BCC/Administration	(517) 241-9302	Bureau of Construction Codes Panel Discussion
17891	2					ALL	Karen E. Towne	LARA	(517) 373-9495	Emergency Management and Disaster Response Awareness
17892				5		PI*	Ira (Jim) Rowell		(517) 861-6372	Basic Plumbing Codes Chapter 3, 4, 5, and 6
17893	4					All	Dennis S. Smith	D.S. Smith Enterprises	(810) 577-1113	Common Legal Terms & Issues
17894					3	PR**	James R. Russell	Tri-County Plumbing Inspectors Assoc	(248) 330-7699	Accessibility Requirements
17895			2		2	EI*, PR**	George Little	International Association of Electric Inspectors-MI Chapter	(248) 933-1139	Electrical Installations over 600 Volts
17896	1				3	EI*, ALL (Admin Only)	George Little	International Association of Electric Inspectors-MI Chapter	(248) 933-1139	Code Breakfast, Using the UL Product Spec & Code Panel

Department of Licensing and Regulatory Affairs-Bureau of Construction Codes-2012/2015 Inspector Continuing Education Programs

17897			1		2	EI*, PR**	George Little	International Association of Electric Inspectors-MI Chapter	(248) 933-1139	Recognizing Code Violations and the ASHRAE Code	
17898			6			BI*	Gerald E. Tuggle	Simpson Strong-Tie	(800) 999-5099	Continuous Load Path (Structural) for Homes and Decks	
17899	1				2	ALL (Admin Only), MI*	Eli Howard	MMIA	(248) 649-5443	HVAC Systems Duct Design	
17900			8			BI*	Dane Rossato		(906) 563-7237	Carpentry	
17901					2	1	BI*	Wayne R. Jewell	WRJ Associates, LLC	(810) 623-9234	Distilleries - Code Shots
17902					1		BI*	Daniel S. Zechmeister	Masonry Institute of Michigan	(248) 663-0415	Bracing Masonry Walls Under Construction
17903			4				MI*	Steve J. Niezur	Young Supply Co.	(586) 421-2400	VRE for Multi Dwelling and Commerical Applications
17904					1	2	BI*	Scott Cope		(586) 752-3936	Special Inspection Requirements of the Michigan Building Code
17905					8		MI*	Ira (Jim) Rowell		(517) 861-6372	Mechanical Code Requirements of Chapter 3



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DOCUMENT #15-13

March 11, 2015

TO: Members of the Construction Code Commission

FROM: Todd Cordill, NCARB, Chief
Plan Review and Building Division

SUBJECT: Continuing Education Instructor Applications

Attached is a list of those individuals who have applied for approval as instructors of continuing education programs required of building officials, inspectors and plan reviewers. The instructors listed have been granted lifetime approval.

Each has documented training and experience in the topic which they propose to teach.

It is the recommendation of Bureau staff that they be approved as instructors by the Commission.

TC/kja

Attachments

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Department of Licensing and Regulatory Affairs-Bureau of Construction Codes-2012/2015 New Instructors

Instructor Number	Last Name	First Name	MI	Affiliation/Experience
2137	Dryer	Bryan	M	ETC Training Services Group
2138	Paschal	James		Paschal Engineering
2139	Clark	Jason	B	Hansgrohe
2140	Towne	Karen	E	LARA

BUILDING OFFICIALS RECOMMENDED FOR CCC APPROVAL

LAPALM, James D.
Add Classification (005510) since 01/2008
Additional Inspector
City of Madison Heights – Oakland County

BURNS, Bradley B
Add Classification (004747) since 01/2002
Additional Inspector
City of Melvindale – Wayne County

MANN, David G
Add Classification (003866) since 09/1986
Additional Inspector
City of Melvindale – Wayne County

DEANGELIS, John H.
Add Classification (003193) since 05/1994
Additional Inspector
City of Melvindale – Wayne County

NICHOLSON, Terry A.
Add Classification (005758) since 01/2013
Additional Inspector
Village of Berrien Springs – Berrien County

KOLAR, Dennis M.
Add Classification (003946) since 07/1997
Additional Inspector
Bedford Township – Monroe County

QUAIN, Sean T.
Add Classification (005712) since 01/2012
Additional Inspector
City of Marysville – Saint Clair County

SWANSON, Richard A
Add Classification (002620) since 02/1991
Additional Inspector
Livingston County

HENSON, Danny L.

Add Classification (004524) since 02/2007

Replacing Inspector Robert B. Connell (002340) since 01/01/2015

Village of Chelsea – Washtenaw County

Lima Township – Washtenaw County

Lyndon Township – Washtenaw County

Sylvan Township – Washtenaw County

Sharon Township – Washtenaw County

Dexter Township – Washtenaw County

FULKNER, Thomas I.

Add Classification (005752) since 10/2012

Additional Inspector

City of Ludington – Mason County

HERNDON, Gary B.

Add Classification (004525) since 09/2000

Additional Inspector

City of Lincoln Park – Oakland County

GARNO, Richard L.

Add Classification (005506) since 01/2008

Replacing Inspector David Pate (003896)

City of Adrian – Lenawee County

SCHLICKAU, Kevin A

Add Classification (005619) since 07/2009

Additional Inspector

Charlevoix County

LAROUX, Todd J.

Add Classification (005757) since 01/2013

Replacing Inspector Dennis Lasanen (003224)

Houghton County

BUILDING INSPECTORS RECOMMENDED FOR CCC APPROVAL

MARCINKIEWICZ, Frank W.
Professional Engineer (6201050003) since 02/2003
Additional Inspector
City of Milan – Monroe County

MOUCH, James R.
14,560 hours of experience
Replacing Inspector Anthony W. Dawson (004967) since 09/2014
Otsego County

SCHNEIDER, Richard H.
8,320 hours of experience
Replacing Inspector Robert Tarvainen (004552) since 12/2012
Covington Township – Baraga County

HOLZ, James A.
13,780 hours of experience
Replacing Inspector Kirk Rehn (005496) since 04/2014
City of Warren – Macomb County

WATSON, Jeremy C.
31,200 hours of experience
Additional Inspector
Groveland Township – Oakland County
Village of Holly – Oakland County

PINKELMAN, Shelly L.
8,320 hours of experience
Additional Inspector
Frederic Township – Crawford County

LARSON, Kirk C.
22,880 hours of experience
Additional Inspector
Orion Township – Oakland County

STRONG, Brent A.
18,400 hours of experience
Additional Inspector
Pittsfield Township – Washtenaw County

TINO, Steven C.
16,640 hours of experience
Additional Inspector
Highland Township – Oakland County

VARGASON, Brian S.
13,000 hours of experience
Replacing Inspector Ed Durbin (003584)
City of Clawson – Oakland County

PLAN REVIEWERS RECOMMENDED FOR CCC APPROVAL

MARCINKIEWICZ, Frank W.
Professional Engineer (6201050003) since 02/2003
Additional Inspector
City of Milan – Monroe County

MOUCH, James R.
14,560 hours of experience
Replacing Inspector Anthony W. Dawson (004967) since 09/2014
Otsego County

ABBAS, Abdul S
Professional Engineer (6201052078) since 02/2005
Replacing Inspector Balchand Patel (004153) since 11/21/2014
City of Detroit – Wayne County

HAASE, Arthur H.
License (8107001) since 01/1978
Replacing Jim Hoppuis (005280) since 11/2014
City of Muskegon – Muskegon County

PINKELMAN, Shelly L.
8,320 hours of experience
Additional Inspector
Frederic Township – Crawford County

LARSON, Kirk C.
22,880 hours of experience
Additional Inspector
Orion Township – Oakland County

STRONG, Brent A.
18,400 hours of experience
Additional Inspector
Pittsfield Township – Washtenaw County

MANN, David G
Add Classification (003866) since 09/1986
Additional Inspector
City of Melvindale – Wayne County

MASON, Andrew
Master License (6216617) since 01/2009
Replacing Inspector John Peters (004249)
City of Kalamazoo – Kalamazoo County

VARGASON, Brian S.
13,000 hours of experience
Replacing Inspector Ed Durbin (003584)
City of Clawson – Oakland County

TRUDEAU, Thomas R.
Add Classification (005886) since 01/2015
Replacing Inspector David Pate (003896)
City of Adrian – Lenawee County

ELECTRICAL INSPECTORS RECOMMENDED FOR CCC APPROVAL

DEJONG, Jay R
Journey license (6328661) since 06/2004
Replacing Inspector Benedict Borowicz (004372)
City of Grand Rapids – Kent County

MASON, Andrew
Master License (6216617) since 01/2009
Replacing Inspector John Peters (004249)
City of Kalamazoo – Kalamazoo County

LUSN, Ronald P
Master License (6210819) since 12/2001
Additional Inspector
City of Warren – Macomb County

MECHANICAL INSPECTORS RECOMMENDED FOR CCC APPROVAL

HAASE, Arthur H.
License (8107001) since 01/1978
Replacing Jim Hoppuis (005280) since 11/2014
City of Muskegon – Muskegon County

PLUMBING INSPECTORS RECOMMENDED FOR CCC APPROVAL

HAASE, Arthur H.
License (8107001) since 01/1978
Replacing Jim Hoppuis (005280) since 11/2014
City of Muskegon – Muskegon County

BULLOCK, Barry L
License (8108941) since 01/1989
Additional Inspector
Arcadia Township – Lapeer County
Attica Township – Lapeer County
Burlington Township – Lapeer County
Burnside Township – Lapeer County
Clifford Township – Lapeer County
Deerfield Township – Lapeer County
Dryden Township – Lapeer County
Elba Township – Lapeer County
Goodland Township – Lapeer County
Hadley Township – Lapeer County
Imlay City – Lapeer County
Imlay Township – Lapeer County
Lapeer Township – Lapeer County
Oregon Township – Lapeer County
Rich Township – Lapeer County
Village of Otisville – Genesee County
City of Clio – Genesee County
Village of Capac – Saint Clair County
Lynn Township – Saint Clair County

FIRE PROTECTION INSPECTORS RECOMMENDED FOR CCC APPROVAL

RIDENOUR, Laura J.
Additional Inspector
City of Dearborn – Wayne County

DENSMORE, Steven W.
Additional Inspector
City of Dearborn – Wayne County

KELITCH, Michael A.
Additional Inspector
City of Dearborn – Wayne County

DOCUMENT #15-14h
04/01/15 ccc

FIRE PROTECTION PLAN REVIEWERS RECOMMENDED FOR CCC APPROVAL

RIDENOUR, Laura J.
Additional Inspector
City of Dearborn – Wayne County



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
IRVIN J. POKE
DIRECTOR

MIKE ZIMMER
DIRECTOR

Document No. 15-15

Date: April 1, 2015

TO: Members of the Construction Code Commission

FROM: Todd Y. Cordill, NCARB, Chief, Plan Review/Building Division

SUBJECT: **Compliance Assurance No. 558**
Certificate of Acceptability
Cozy Cabins
455 E Farmersville Road
New Holland, PA 17557

The above manufacturer has submitted a Compliance Assurance Program and appropriate fees. The inspection and evaluation agency has been previously certified by the Construction Code Commission. The Plan Review Division has evaluated the submission for compliance with Rules 1161 through 1168 and recommends that the Commission issue a Certificate of Acceptability, in accordance with Sections 4 and 19 of 1972 PA 230, MCL 125.1504, and the General Rules, Part 11 Premanufactured Units, Rule 1132(1).

TYC/mt

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RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
IRVIN J. POKE
DIRECTOR

MIKE ZIMMER
DIRECTOR

DOCUMENT #15-11

March 11, 2015

TO: Members of the Construction Code Commission
FROM: Joseph T. Madziar, Plumbing Division Chief *JTM*
SUBJECT: Certificate of Acceptance for NewAge Cast Iron Soil Pipe & Fittings NH, SV,
and ZFBE, BCCP-14-008

The applicant has requested product approval to provide product acceptance through approval clarification. The applicant, NewAge Casting Company, LP, is a material importer/distributor who has stated in correspondence that the products are manufactured by four manufacturing plants in China. The IAPMO Listing does not identify the manufacturers, only the importer, NewAge Casting Company, LP.

APPLICANT REPRESENTATIVE:

Mr. Bick Singh

APPLICANT:

NewAge Casting Company, LP
1260 West Airport Blvd., Suite 100
Sugar Land, TX 77478

AUTHORITY:

Section 21 of Act 230, 1972 being section 125.1521 of the Michigan Compiled Laws

PRODUCT:

NewAge Cast Iron Soil Pipe & Fittings, NH, SV, and ZFBE

NH -- No hub or hubless pipe and fittings ranging from 1 1/2" to 15"

SV -- Service weight bell and spigot pipe and fittings ranging from 2" to 15"

ZFBE -- Epoxy coated C.I.S.P hubless pipe and fittings ranging from 1 1/2" to 15"

Providing for Michigan's Safety in the Built Environment

IDENTIFICATION OF MANUFACTURERS:

Hua Wang Universal Spun Casting Company, Wangchun Runheng Town, Yangcheng CHINA 48100, Trademark HWP

Quwo Heng Tong Casting Company, LTD., No. 5, Shunfeng Road, Industry Zone Daqiao Town, Nanhu District Jiaxing City CHINA, Trademark SHF

Shijiazhuang Asia Casting Company, LTD., Xhaoba Industrial Zone, Shenze County Shijiazhuang CHINA, Trademark HBXF

Zhangjiakou Kexin Foundry Company, LTD., North of liangtaizhung village, wuan quan county zhangjiakou City Hebei Prov CHINA, Trademark KLC

PRODUCT DESCRIPTION:

Cast Iron Soil Pipe & Fittings used for drain waste and vent piping applications. The NH Epoxy Coated System is used for Excessive Corrosive DWV Applications.

APPLICABLE CODE SECTION:

Michigan Plumbing Code

Sections 702.1-702.4. These sections all relate to approved types of drainage waste and vent pipe and pipe fittings for sanitary drainage.

APPROVAL/ TESTS:

ICC Evaluation Service, ICC-ES PMG Listing PMG-1220 for conformance to ASTM A888-2013a, and CISPI 301-2012

ICC Evaluation Service, ICC-ES PMG Listing PMG-1219 for conformance to ASTM A74-2013a

IAPMO, R&T File No. 4818 for conformance to ASTM A888-2013a including Annex A1, Revised 7/14/2014 to state excluding Annex A1

IAPMO, R&T File No. 7767 for conformance to CISPI 301-2009 including Annex A1, Revised 7/14/2014 to state excluding Annex A1

IAPMO, R&T File No. 6336 for conformance to ASTM A74-2013a including Annex A1, Revised 7/14/2014 to state excluding Annex A1

NSF International Certification, including Annex A1 testing

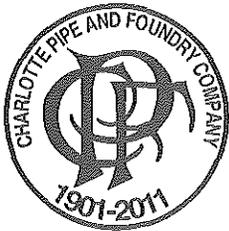
CONDITIONS OF USE AND INSTALLATION:

1. All requirements of the Michigan Plumbing Code shall be applicable.
2. Installations shall be in accordance with the manufacturers' specifications.
3. This approval shall become void if and when the product no longer meets the requirements of the Michigan Plumbing Code or a change in design/designation occurs.
4. This approval is only for the four manufacturing facilities listed.
5. This approval is not to be used for advertising purposes.

RECOMMENDATION:

A motion was made and supported stating that NewAge's products met the standards for approval. The plumbing board recommended the product be forwarded to the commission for approval at the March 3, 2015 board meeting.

JTM/sjl



110TH
ANNIVERSARY

CHARLOTTE

PIPE AND FOUNDRY COMPANY

March 25, 2015

Mr. Irving J. Poke
Bureau Director
Construction Code Commission
Bureau of Construction Codes
Department of Licensing and Regulatory Affairs
2501 Woodlake Circle
Okemos, MI 48864

Re: **Michigan Plumbing Board's March 3, 2015 Recommendation Approving A Petition Application For Certificate of Acceptability for New Age Cast Iron Soil Pipe & Fittings NH, SV and ZFBE, BCCP-14-008 ("Recommended Decision")**

Dear Mr. Poke:

I am Chief Executive Officer of Charlotte Pipe and Foundry Company ("Charlotte Pipe"), and I submit this letter in opposition to the Michigan Plumbing Board's ("Board") Recommended Decision. It has come to my attention that NewAge Casting Company, LP made statements regarding Charlotte Pipe to the Plumbing Division of the Bureau of Construction Codes that are false.

Mr. Bick Singh, the President and Chief Executive Officer of New Age, stated that "Charlotte Pipe illegally acquired Star Pipe Products Ltd.'s cast iron soil pipes and fittings business in order to eliminate competition." There has been no finding of any "illegality" in connection with Charlotte Pipe's acquisition of certain parts of Star Pipe's business. Charlotte Pipe did reach a settlement with the Federal Trade Commission regarding the Star Pipe transaction in which Charlotte Pipe made no admission that it had violated the law and paid no fine or penalty. Charlotte Pipe simply settled a disputed issue with the Federal Trade Commission to avoid the ongoing expense and disruption associated with an investigation. There was no decision; no judge or court has found that Charlotte Pipe acted unlawfully or illegally in any respect, and Mr. Singh's statement to that effect is inaccurate.

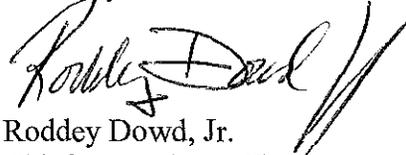
Mr. Singh also refers to a class action lawsuit against Charlotte Pipe in support of his claim that the cast iron soil pipe market is not competitive. Mr. Singh seems to conflate allegations in a Complaint with fact. Charlotte Pipe is defending the class actions vigorously and denies engaging in any unlawful conduct. Charlotte Pipe competes vigorously in the market for cast iron soil pipe and fittings, will continue to do so and will continue to provide high quality products that are an excellent value to our customers.

Mr. Singh claims that Michigan has one of the highest price points for cast iron soil pipe in the country, but he provides no data to back up that assertion. Charlotte Pipe competes in the Michigan market and disagrees with Mr. Singh's assertion that the Michigan market is not competitive.

Finally, I would note that the issue before the Plumbing Division was to be whether the products of New Age meet the construction codes in Michigan. The attacks on Charlotte Pipe that I note in this letter have nothing to do with whether New Age's products meet code standards. This is a clear indicator that Mr. Singh's statements regarding competition in the industry are simply a diversion that is intended to distract this Commission from the real issue, which is whether NewAge's products meet the building codes in a manner that protects the citizens of Michigan.

I would be happy to provide further information on these issues. I believe it important to set the record straight with respect to Mr. Singh's statements. Thank you for considering this letter. It is important to Charlotte Pipe that decisions are made based on the facts and not on unfounded allegations or mischaracterizations.

Sincerely,



Roddey Dowd, Jr.
Chief Executive Officer

RD,Jr/pam



Date: March 10, 2015
To: Mr. Irvin J. Poke, Director BCC of State of Michigan
Copy: Brandon Bigelow, Esq.
Bill Levan (CISPI)

We are writing to request to be added to the agenda of the April 1, 2015 meeting of the Michigan Construction Code Commission to speak against the decision of the Michigan Plumbing Boards product approval for New Age Casting Company. The following are several items of discussion we will use for our request for denial of the product approval during the Construction Code Commission meeting.

1. The procedural errors of not letting all in attendance speak either in favor or against the product approval. We signed into meeting representing we were in attendance to speak on agenda item #9 - Unfinished Business (Old Business) and were not allowed to comment on new non-factual items discussed by product petitioner.
2. We will present evidence to prove statements made by the petitioner to be non-factual.
3. We will speak about the ASTM and CISPI product standards the petitioner's products are manufactured to, relating to documents provided and items discussed during the product approval that show they are not in compliance with the standards.

Please confirm with us the approval to be added to the agenda to speak against the product approval of New Age Casting Company during the April 1, 2015 Construction Code Commission Meeting.

Sincerely,

Dave Parney
Executive Vice President
Cast Iron Soil Pipe Institute

Cast Iron Soil Pipe Institute
2401 Fieldcrest Dr., Mundelein, IL 60060
Phone: (224) 864-2910
www.cispi.org



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Leonard C. Wolfe

Direct Dial: 517-374-9178

Direct Fax: 855-259-3568

Email: LWolfe@dykema.com

March 19, 2015

**Via Electronic Mail: pokei@michigan.gov
Action Requested**

Mr. Irving J. Poke
Bureau Director
Construction Code Commission
Bureau of Construction Codes
Department of Licensing and Regulatory Affairs
2501 Woodlake Circle
Okemos, MI 48864

Re: **Michigan Plumbing Board's March 3, 2015 Recommendation Approving A Petition Application For Certificate of Acceptability for New Age Cast Iron Soil Pipe & Fittings NH, SV and ZFBE, BCCP-14-008 ("Recommended Decision")**

Dear Mr. Poke:

This letter is submitted to the Construction Code Commission ("Commission") on behalf of our client, The Cast Iron Soil Pipe Institute (the "Institute"), in opposition to the Michigan Plumbing Board's ("Board") Recommended Decision. As previously communicated to you on March 17, 2015 by Institute representatives, the Institute requests that this letter be provided to Commission members and that the Commission provide Institute representatives an opportunity to address this matter at the Commission's April 1, 2015 meeting.

BACKGROUND

On April 18, 2014, NewAge Casting Company, LP ("Applicant") filed a Petition Application For Certificate of Acceptability for New Age Cast Iron Soil Pipe & Fittings NH, SV and ZFBE, BCCP-14-008 ("Application") with the Plumbing Division of the Bureau of Construction Codes ("Bureau").¹ On August 26, 2014, Joseph Madziar ("Madziar"), Chief of

¹ This is not the first time Applicant has filed an application. Applicant first made contact with the Bureau back in 2011 for product approvals. Most recently in 2013, Applicant had been denied a prior Petition Application for failing to conform to the Michigan Plumbing Code. See Board Order, dated March 6, 2013, Document No. BCCP-13-001.

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the Bureau's Plumbing Division, notified the Applicant that their Application would be considered by the Board at its September 16, 2014 meeting. On September 2, 2014, Madziar submitted a memorandum to the Board recommending denial of the Application because: (i) the Applicant's revised product listings did not conform to appropriate state and industry standards; and (ii) there were possible quality control issues with the epoxy coated fittings supplied for inspection.

At its September 16, 2014 Board meeting, the Board met to consider the Application. A review of the September 16, 2014 Board meeting minutes indicates that the Board postponed action on the Application until its December 2, 2014 meeting "to allow time for the petitioner [Applicant] to provide additional documentation from NSF clarifying which specific facilities are certified under the China facility listing and information regarding which 3rd party inspection agency is responsible for conducting certification to Annex A1."

On October 31, 2014, Madziar sent a letter to the Applicant reiterating the request for information identified by the Board at its September 16, 2014 meeting and requesting copies of the last three inspection reports conducted by the third party certifier for each manufacturing location identified in the Application. Madziar requested that each inspection report include the legal name and address of the manufacturer along with evidence that the conducting certifications complied with Annex A1. In addition, Madziar requested more information on the Applicant's use of handheld Geiger readers for radiation detection because such instruments did not conform to state and industry requirements for product radiation detection.

On December 2, 2014, the Board met for a second time to address the Application. A review of the December 2, 2014 Board meeting minutes shows that the Application was reviewed and discussed by the Board, but that the Board again postponed its review until the Board's March 3, 2015 meeting "to allow time for the petitioner [Applicant] to provide additional documentation from NSF clarifying which specific facilities are certified under the China facility listing, test reports for certification to Annex A1, and sample material test reports including radioactive tests." On December 19, 2014, Madziar sent a letter to the Applicant requesting that all information identified by the Board at the December 2nd meeting be provided to the Bureau by January 15, 2015 in order to have it reviewed and distributed to the Board in time for their March 3, 2015 meeting.

On February 10, 2015, Madziar sent another letter to the Applicant indicating that the Application would be heard at the Board's March 3, 2015 meeting and acknowledging receipt of Applicant's material provided on January 27, 2015 in response to his December 19, 2014 letter. On February 24, 2015, Madziar sent a memorandum to the Board attaching Applicant's response to his December 19, 2014 letter. Included in Applicant's January 27, 2015 submission was a letter, dated February 3, 2015, which inaccurately describes the materials provided in response to Madziar's earlier October 31, 2014 letter. Specifically, Applicant failed to provide the Bureau with the last three NSF inspections at the four Chinese manufacturing facilities included in the Application. The materials actually supplied are copies of reports furnished by Adico, who is

not the manufacturer, which were only reviewed by NSF. In a January 23, 2015 letter supplied by Ms. Amy Harrison of NSF to the Applicant, Harrison states that the Adico inspection reports were not used by NSF for product certification to the standards and Annex A1. Simply stated, the Applicant has still not provided any NSF inspection reports to the Bureau – the same inspection reports repeatedly requested by the Bureau and the Board on multiple occasions.

In their February 3, 2015 letter, Applicant also mischaracterizes the appropriate standards that apply to their Application arguing that only those standards appearing in the printed codes apply. On this basis, they argue that a delay between the adoption of the standard and when the new standard is included in the printed codes justifies the use of handheld radiation screening devices. This is simply inaccurate. Once a standard is published, it is the responsibility of the manufacturer to meet all requirements of the product standard at that time. There is no phase-in or grace period for manufacturers to comply. In fact, efforts to impose an effective date for changes made to the ASTM 2013 standards for cast iron soil pipe and fittings was balloted at the ASTM A04 committee and was denied.

On March 3, 2015, the Board met for a third time to consider the Application. During discussion of the Application, it became clear that Madziar still had questions and was reluctant to give a positive Bureau recommendation on the Application for the following reasons: (i) Applicant was not a manufacturer of the products being reviewed as required by state and industry standards; (ii) Applicant had not provided inspection reports and was not compliant with the Annex A1 testing requirements; and (iii) certain test results provided were misdated. In addition, Applicant made other statements at the hearing about the NSF that further confused the Board's consideration of the matter.

Following discussion on the Application, the Board voted 4-2 in favor of recommending the Application for approval to the Commission. In reaching the Recommended Decision, the Board made both substantives and procedural errors. From a substantive standpoint, the Board erred by finding: (i) the Applicant, who is an importer, could satisfy the manufacturer requirement implicit for obtaining product approval and that the Applicant could comply with Annex A1 inspection and certification requirements applied to the product's manufacturer; (ii) the NSF documentation provided by the Applicant contained inspection reports showing the appropriate certification of the products under the Annex A1 inspection and certification requirements; and (iii) the Applicant's products had been approved in 49 other states with the exception of Michigan. From a procedural perspective, the Board erred by denying the Institute an opportunity to publicly participate in the Board's March 3, 2015 deliberation on the Application until after a Board vote was taken. Finally, the Applicant made certain misstatements at the March 3, 2015 meeting which ultimately confused the Board and Bureau Staff resulting in the Board's errant adoption of the Recommended Approval.²

² During the March 3, 2015 meeting, Applicant representatives made improper characterizations of the ASTM A04.12 subcommittee standards as well as misstatements about the application of the Annex A-1 standards. See discussion below. Applicant also provided the Board with NSF reports showing the

ANALYSIS

A. Substantive Errors.

(1) Applicant is Not The Manufacturer of the Products and As Such Cannot Comply With Annex A1 Standards. Applicant is seeking a product approval request from the Board for products that it does not manufacture. Specifically, “manufacturer” is defined in the applicable code provisions to mean “the entity that casts the pipe and fittings.” See section 3.2.1 of ASTM A888 and Section 3.1.1 of ASTM A74. The Applicant is not the manufacturer because it does not cast the products. For example, the Application clearly provides that the product is “certified by the manufacturer, Hengtong Casting Company, manufactured for NewAge [Applicant].”

During the hearing, Madziar, several Board members and one Applicant representative himself (Mr. Singh) acknowledged that Applicant did not meet the standards for being a manufacturer. See March 3, 2015 Board meeting Transcript (“Transcript”), page 22, line 11 through page 26, line 11. Applicant is an importer of the products being approved – it is not a manufacturer of the products. The significance of this issue cannot be understated. Applicant is not responsible for manufacturing the product and cannot therefore be held accountable by the Board or the Commission for defects in the manufacturing of the product or failure to meet the standards. If a product is defective, the Board or the Commission has no ability to require the manufacturer to remedy a problem – it can only take action against the Applicant (an importer of the products). The ASTM manufacturing standards for cast iron soil pipe are designed to be applied to manufacturers and the products that they make – not for companies who are the importers of those products.

Compounding the problem is that fact that, were the Board to approve a reseller, it would have no assurance whatsoever that the manufacturer of the products being resold at the time of the approval will remain so going forward, as nothing about the subject approval would apply to the products of a particular manufacturer or provide a ready or reliable mechanism for inspecting and validating that changes will not occur in the future. It is not an overstatement to say that any manufacturer’s products could be sold in Michigan by the Applicant once a reseller approval is granted.

As noted by Madziar during the March 3, 2015 meeting, the Applicant, as a reseller and not a manufacturer, does not and cannot comply with Annex A1 inspection and certification requirements. See Transcript, page 33. Madziar specifically stated to the Board that the Michigan Plumbing Code follows specific testing standards for products that only apply to the

trademark of HBXF on the reports of another manufacturer, Hu Wang Foundry, whose trademark is HWP. In addition, the radiation screening reports for October and November 2014 were incorrectly dated 2015 (dates in the future).

manufacturer of the product. Applicant is not the manufacturer of any of the products contained in its Application and therefore cannot meet the Annex A1 requirements.

(2) The NSF Findings Were Improperly Characterized by Applicant and Do Not Comply with Annex A1 Requirements.

The Annex A1 inspection and certification requirements mandate an inspection at the point of product manufacturing. None of the NSF findings meet this standard because none of NSF reports are actual inspections of the manufacturing facilities. NSF's January 23, 2015 letter to Applicant specifically states this and closes with "this second party review is not for the purposes of NSF certification to the referenced standards." See NSF Representative Harrison letter, dated January 23, 2015, to Applicant.

Applicant misrepresented to the Board that the NSF findings demonstrated that the products complied with Annex A1 inspection and certification requirements. However, according to documents furnished by NSF, NSF did not inspect the manufacturing facilities and only reviewed paperwork supplied by another party, Adico, who is not the manufacturer of the products. These reports appear to be nothing more than one party (NSF) reviewing the report of another party (Adico). In fact, the Applicant acknowledged that none of the NSF reports are findings of NSF inspecting the manufacturing sites but are instead NSF reviewing Adico's findings. See Transcript, p 37, lines 19-22. To date, Applicant has not produced any inspection reports showing that the products satisfy the Annex A1 inspection and certification requirements.

(3) Improper Characterization of Other State Product Approvals. Applicant representative Mr. McQuillan made statements at the March 3, 2015 meeting that Applicant's products were approved in 49 states and that Michigan was the only state that had not approved them. See Transcript p 48, lines 18 through 24. It appears that the Board relied heavily on this assurance in deciding to grant the Recommended Approval. The assurance was false. The truth is there is only state where any manufacturer of cast iron soil pipes and fittings is approved. Instead, products are permitted to be sold pursuant to compliance with state and local building and plumbing code requirements which Applicant cannot meet. As far as the Institute has been able to determine, virtually no product-specific approvals of Applicant's products have been obtained, as a request to the Applicant to document their other State approvals would reveal. The U.S. manufacturers of cast iron pipe and fittings for drain, waste and vent applications are only "approved" in one state, Massachusetts, which has a state plumbing code not modeled after a model code like the one employed in Michigan, which uses the International Plumbing Code. Other states such as Michigan use codes which approve products based on compliance to the product standards found in the codes. They do not approve individual manufacturers, much less resellers like Applicant. The purpose of Mr. McQuillan's characterization was to influence the Board members into thinking all 49 states except Michigan approved his products and only Michigan had not. In fact, this misstatement was reiterated by the Board Chair in explaining his rationale for voting in favor of the recommendation. See Transcript page 58, lines 12-16.

B. Procedural Error.

Denying The Institute An Opportunity to Publicly Comment on the Application Before Board Vote Was Taken. During the March 3, 2015 Board meeting, the Board Chair denied Mr. Bill LeVan (“LeVan”), an Institute employee, an opportunity to participate in the Board’s public deliberation of the Application until after a Board vote was taken. Instead, LeVan was only given an opportunity to comment on the products *after* the Board had voted and recommended the Application for approval. In denying the Institute an opportunity to participate in the discussion, the Board disregarded its own general practices which typically allow for members of the public to speak in support or opposition of a proposed product prior to Board formal action. See Bureau’s Commission and Board Manual, November 2006, Section II – page 14.

CONCLUSION

Based on the reasons set forth above, the Institute respectfully requests that the Commission reject the Recommended Decision and deny approval of the Application. Alternatively, in the event that the Commission determines that the finding of additional facts is needed before making a final decision on the Recommended Decision, we request that the Commission refer the matter back to the Board for additional fact finding and determinations.

Thank you for your consideration of the Institute’s submission. We plan to attend the Commission’s April 1, 2015 meeting and will speak in opposition to the Recommended Approval.

Sincerely,

DYKEMA GOSSETT PLLC


Leonard C. Wolfe

LCW:alw

cc: Bill LeVan, The Institute
David Parney, The Institute
Gary Gordon