

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Labor, Licensing, and Regulation
(DLS Control No. 16-136)**

Overview and Legal and Fiscal Impact

These regulations incorporate by reference the 2015 edition of the National Standards Plumbing Code Illustrated (NSPC), the 2015 edition of the National Fuel Gas Code (NFGC), and the 2014 edition of the Liquefied Petroleum Gas Code (LPGC). The regulations also update various modifications to each of the three codes.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Labor, Licensing, and Regulation:

Board of Plumbing: State Plumbing Code: COMAR 09.20.01.01-.05

Legal Analysis

Background

Plumbing fixtures and other plumbing devices must meet standards established in the State Plumbing Code or any applicable local plumbing code. Every few years, the State Board of Plumbing conducts a review of available codes to reflect updated industry practices and adopts new editions of codes or new codes as appropriate. The board may adopt regulations to amend the State Plumbing Code and may adopt standards of the American National Standards Institute (ANSI) or any other nationally recognized organization. Regulations incorporate by reference the 2012 NSPC Illustrated, the 2012 NFGC, and the 2011 LPGC, with various modifications. Additionally, the board is required, at least once a year, to review new and existing standards of ANSI and any other organization listed in the State Plumbing Code or Model Performance Building Code for water conserving appliances, devices, fittings, and fixtures, as well as evaluate their availability. The board also must adopt regulations that ensure the use of lead-free materials.

Legislation has failed the last several sessions that would have required the board to adopt a specific code as the State Plumbing Code, by either codifying the adoption of the NSPC or by selecting a competing code or competing standards.

Summary of Regulations

These regulations substitute references to the 2015 editions of the NSPC and the NFGC for former references to the 2012 editions of those codes. The regulations also substitute a 2014 reference to the LPGC to a former reference to the 2011 edition.

The regulations also makes a number of substantive and non-substantive revisions to modifications to the NPSC, the NFGC, and the LPGC. In terms of non-substantive revisions, the regulations update cross-references to page numbers in the codes and alters numbering and lettering for various lists to accommodate substantive changes. Substantive changes include:

- modifying NSPC provisions relating to plumbing in flood hazard areas, materials, water supply and distribution, sanitary drainage systems, storm water drainage, individual sewage disposal systems for specified establishments, private potable water supply systems, mobile home and travel trailer park plumbing requirements, installation of gas appliances and gas piping, and re-referenced standards;
- modifying requirements relating to lead content;
- modifying NFGC provisions relating to gas piping system design, materials, and components, and gas piping installation; and
- modifying LPGC provisions relating to gas equipment and appliances, installation of liquefied petroleum gas systems, administration, and general requirements.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Labor, Licensing, and Regulation cites §§ 12-205 and 12-207 of the Business Occupations and Professions Article as statutory authority for the regulations. Section 12-205 authorizes and requires the board to take specified actions relating to the State Plumbing Code. Specifically, § 12-205(a) authorizes the board to adopt regulations to amend the State Plumbing Code. Section 12-205(b) authorizes the board to adopt regulations as part of the State Plumbing Code to carry out specified purposes, authorizes the board to adopt standards of ANSI or any other nationally recognized organization, and requires the board to adopt regulations to carry out specified purposes. Section 12-205(c) requires the board to review specified standards relating to water conserving devices on an annual basis. Section 12-207, in part, confers broad authority for the board to adopt regulations to carry out the provisions of the title.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

The department has agreed to revise its submission to correct several typographical errors in Regulation .02: (1) two erroneous references to the “Environmental Article” of the Annotated Code of Maryland; and (2) a reference to “private water supply water supply systems,” which will be corrected to refer to “private potable water supply systems.”

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have minimal or no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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