

EXHIBIT D

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Arkansas Department of Health
DIVISION Environmental Health / Plumbing Section
DIVISION DIRECTOR Bob Higginbottom, Plumbing Program Director
CONTACT PERSON Bob Higginbottom
ADDRESS ADH, Plumbing Section, Slot 24, 4815 West Markham, Little Rock, AR
72205 - 3867
PHONE NO. 501-661-2642 FAX NO. 501-661-2671 E-MAIL robert.higginbottom@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Robert Brech and / or Bob Higginbottom
PRESENTER E-MAIL robert.brech@arkansas.gov robert.higginbottom@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

1. What is the short title of this rule? Rules and Regulations Pertaining to State Plumbing Code

To delete section 427.2 of the code removing terms that ensure that respectful language is used when referring to individuals with disabilities.

2. What is the subject of the proposed rule? _____

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes

No

5. Is this a new rule?

Yes

No

If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule?

Yes

No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule?

Yes

No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule?

If codified, please give Arkansas Code citation.

A.C.A. 17-38-101 et seq.

7. What is the purpose of this proposed rule? Why is it necessary?

To delete an unnecessary section of the state plumbing code and to comply with Act 98 of the 2011 legislative session to ensure that respectful language is used when referring to individuals with disabilities

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

www.healthy.arkansas.gov

9. Will a public hearing be held on this proposed rule?

Yes

No

If yes, please complete the following:

Date: Aug. 15, 2012

Time: 9 AM to 10 AM

Place: Room 2508, 4815 W. Markham St., Little Rock, Arkansas

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

Aug 15, 2012

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

December 15, 2012

12. Do you expect this rule to be controversial?

Yes

No

If yes, please explain.

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

none known

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Departments of Health
DIVISION Environmental Health / Plumbing Section
PERSON COMPLETING THIS STATEMENT Bob Higginbottom
TELEPHONE NO. 501-661-2642 **FAX NO.** 501-661-2671 **EMAIL:** robert.higginbottom@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rules and Regulations Pertaining to the State Plumbing Code

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Does this proposed, amended, or repealed rule affect small businesses? Yes No
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.
-
3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

-
4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

<u>Current Fiscal Year</u>	<u>Next Fiscal Year</u>
General Revenue _____	General Revenue _____
Federal Funds _____	Federal Funds _____
Cash Funds _____	Cash Funds _____
Special Revenue _____	Special Revenue _____
Other (Identify) _____	Other (Identify) _____
Total _____	Total _____

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

<u>Current Fiscal Year</u>	<u>Next Fiscal Year</u>
\$ _____	\$ _____

-
6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

<u>Current Fiscal Year</u>	<u>Next Fiscal Year</u>
\$ _____	\$ _____

Summary of Proposed Change to the 2006 Arkansas State Plumbing Code Disability Language – Section 427.2

This past legislative session, lawmakers recognized that language used in reference to individuals with disabilities shapes and reflects society's attitudes toward people with disabilities. It was concluded that certain terms are demeaning and create an invisible barrier to inclusion as equal community members. As a result, Act 98 of 2011 was passed to require state agencies and Board to review existing Rules for the purpose ensuring that respectful language is used when referring to individuals with disabilities.

Section 427.2 of the State Plumbing Code uses the word "handicapped" and it proposed that this section be deleted in its entirety.

Please find attached a copy of the propose change.

2006

ARKANSAS PLUMBING CODE

**Based on the 2006
International Plumbing Code®**



FIXTURES, FAUCETS AND FIXTURE FITTINGS

dance with the manufacturer's instructions. In-line thermostatic valves shall not be utilized for compliance with this section.

424.4 Multiple (gang) showers. Multiple (gang) showers supplied with a single-tempered water supply pipe shall have the water supply for such showers controlled by an approved automatic temperature control mixing valve that conforms to ASSE 1069 or CSA B125, or each shower head shall be individually controlled by a balanced-pressure, thermostatic or combination balanced-pressure/thermostatic valve that conforms to ASSE 1016 or CSA B125 and is installed at the point of use. Such valves shall be equipped with a means to limit the maximum setting of the valve to 120°F (49°C), which shall be field adjusted in accordance with the manufacturer's instructions.

424.5 Bathtub and whirlpool bathtub valves. The hot water supplied to bathtubs and whirlpool bathtubs shall be limited to a maximum temperature of 120°F (49°C) by a water temperature limiting device that conforms to ASSE 1070, except where such protection is otherwise provided by a combination tub/shower valve in accordance with Section 424.3.

424.6 Hose-connected outlets. Faucets and fixture fittings with hose-connected outlets shall conform to ASME A112.18.3M or CSA B125.

424.7 Temperature-actuated, flow reduction valves for individual fixture fittings. Temperature-actuated, flow reduction devices, where installed for individual fixture fittings shall conform to ASSE 1062. Such valves shall not be used alone as a substitute for the balanced pressure, thermostatic or combination shower valves required in Section 424.3.

424.8 Transfer valves. Deck-mounted bath/shower transfer valves containing an integral atmospheric vacuum breaker shall conform to the requirements of ASME A112.18.7.

SECTION 425 FLUSHING DEVICES FOR WATER CLOSETS AND URINALS

425.1 Flushing devices required. Each water closet, urinal, clinical sink and any plumbing fixture that depends on trap siphonage to discharge its fixture contents to the drainage system shall be provided with a flushometer valve, flushometer tank or a flush tank designed and installed to supply water in quantity and rate of flow to flush the contents of the fixture, cleanse the fixture and refill the fixture trap.

425.2 Separate for each fixture. A flushing device shall not serve more than one fixture.

425.2 Flushometer valves and tanks. Flushometer valves and tanks shall comply with ASSE 1037. Vacuum breakers on flushometer valves shall conform to the performance requirements of ASSE 1001 or CSA B64.1.1. Access shall be provided to vacuum breakers. Flushometer valves shall be of the water-conservation type and shall not be utilized where the water pressure is lower than the minimum required for normal operation. When operated, the valve shall automatically complete the cycle of operation, opening fully and closing positively under the water supply pressure. Each flushometer valve shall be provided with a means for regulating the flow through

the valve. The trap seal to the fixture shall be automatically refilled after each valve flushing cycle.

425.3 Flush tanks. Flush tanks equipped for manual flushing shall be controlled by a device designed to refill the tank after each discharge and to shut off completely the water flow to the tank when the tank is filled to operational capacity. The trap seal to the fixture shall be automatically refilled after each flushing. The water supply to flush tanks equipped for automatic flushing shall be controlled with a timing device or sensor control devices.

425.3.1 Fill valves. All flush tanks shall be equipped with an antisiphon fill valve conforming to ASSE 1002 or CSA B125. The fill valve backflow preventer shall be located at least 1 inch (25 mm) above the full opening of the overflow pipe.

425.3.2 Overflows in flush tanks. Flush tanks shall be provided with overflows discharging to the water closet or urinal connected thereto and shall be sized to prevent flooding the tank at the maximum rate at which the tanks are supplied with water according to the manufacturer's design conditions. The opening of the overflow pipe shall be located above the flood level rim of the water closet or urinal or above a secondary overflow in the flush tank.

425.3.3 Sheet copper. Sheet copper utilized for flush tank linings shall conform to ASTM B 152 and shall not weigh less than 10 ounces per square foot (0.03 kg/m²).

425.3.4 Access required. All parts in a flush tank shall be accessible for repair and replacement.

425.4 Flush pipes and fittings. Flush pipes and fittings shall be of nonferrous material and shall conform to ASME A112.19.5 or CSA B125.

SECTION 426 MANUAL FOOD AND BEVERAGE DISPENSING EQUIPMENT

426.1 Approval. Manual food and beverage dispensing equipment shall conform to the requirements of NSF 18.

SECTION 427 FLOOR SINKS

427.1 Approval. Sanitary floor sinks shall conform to the requirements of ASME A112.6.7.

427.2 Handicap plumbing facilities. This code does not provide for handicap plumbing facilities. State owned and/or operated buildings shall provide restrooms for the handicapped. For more information about handicap requirements, you may contact: Arkansas State Building Authority.