



Dedicated to protecting and improving the health and environment of the people of Colorado

To: Members of the State Board of Health

From: Cary E. Ruble, Regulation Development and Enforcement Coordinator,
Division of Environmental Health and Sustainability

Through: Jeff Lawrence, Director
Division of Environmental Health and Sustainability (jL)

Date: January 21, 2015

Subject: Request for Rulemaking Hearing
Proposed Repeal of 6 CCR 1010-15, *Standards for Inspection Examining Board of Plumbers*, with a request for the rulemaking hearing to occur in March 2014

The Division of Environmental Health and Sustainability (“Division”) is proposing to repeal 6 CCR 1010-15, *Standards for Inspection Examining Board of Plumbers*. When reviewing the rules pursuant to Executive Order 2012-002 (EO2), program staff found that the requirements outlined in the regulation are now enforced under 3 CCR 720-1 and administered by the Department of Regulatory Agencies (DORA). Therefore, the Division is requesting that the Board of Health schedule a rulemaking hearing for repeal of the subject rule at the March 18, 2014, Board of Health Meeting.

In accordance with the CDPHE Policy Manual, Part 13.3, this request for rulemaking proposes to repeal the *Standards for Inspection Examining Board of Plumbers*, since 6 CCR 1010-15 was adopted in November 1963, last amended by the Board of Health in December 1964, and is now administered by DORA. The standards included in 6 CCR 1010-15 are no longer authorized by statute and the repeal of these rules creates efficiencies for staff and stakeholders.

STATEMENT OF BASIS AND PURPOSE
AND SPECIFIC STATUTORY AUTHORITY
for Repeal of

6 CCR 1010-15, *Standards for Inspection Examining Board of Plumbers*

Basis and Purpose.

The *Standards for Inspection Examining Board of Plumbers* provided authority to the Division for the inspection of all plumbing installations in the state in order to ascertain status of compliance with rules and regulations of the State Department of Public Health. The rule also provided authority to the Division and the State Plumbing Inspector to uncover any plumbing which had been covered if there was cause to believe that the requirements of the plumbing code was not met. Additionally, if inspection or testing of plumbing showed defective material or improper installation, the Division or State Plumbing Inspector had the authority to require replacement, alteration, repair and retesting. However, these responsibilities are no longer regulated by the Division and are now enforced under 3 CCR 720-1 and administered by the Department of Regulatory Agencies (DORA).

Specific Statutory Authority.

These rules were promulgated pursuant to CRS 1963: 142-1-1 and 142-1-3; the statutes have since been revised and there is no current statutory authority that authorizes Board of Health rules.

SUPPLEMENTAL QUESTIONS

Is this rulemaking due to a change in state statute?

Yes, the bill number is _____; rules are ___ authorized ___ required.
 No

Is this rulemaking due to a federal statutory or regulatory change?

Yes
 No

Does this rule incorporate materials by reference?

Yes
 No

Does this rule create or modify fines or fees?

Yes
 No

REGULATORY ANALYSIS

for Repeal of

6 CCR 1010-15, *Standards for Inspection Examining Board of Plumbers*

1. A description of the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

This rule was adopted in 1963 and is no longer enforced by the Division. No persons will be affected by the repeal of this rule as the requirements outlined in this regulation are now enforced under 3 CCR 720-1 and administered by the Department of Regulatory Agencies (DORA).

2. To the extent practicable, a description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

There is no quantitative, qualitative or economic impact due to the repeal of 6 CCR 1010-15.

3. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

There is no cost to the agency or any other agency due to the repeal of 6 CCR 1010-15.

4. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

The benefit of the repeal is to eliminate obsolete regulations, clarify which state agency has authority and eliminate confusion for citizens. There is no benefit of inaction.

5. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

There are no less costly or less intrusive methods for achieving the purpose of repeal.

6. Alternative Rules or Alternatives to Rulemaking Considered and Why Rejected.

There are no other alternative methods for achieving the purpose of the proposed rule repeal.

7. To the extent practicable, a quantification of the data used in the analysis; the analysis must take into account both short-term and long-term consequences.

Not applicable.

STAKEHOLDER COMMENTS
for Repeal of
6 CCR 1010-15, *Standards for Inspection Examining Board of Plumbers*

The following individuals and/or entities were included in the proposal to repeal 6 CCR 1010-15:

- CDPHE staff
 - Jeff Lawrence, Division of Environmental Health and Sustainability, Director
 - Sean Scott, Division of Environmental Health and Sustainability, Deputy Director
 - Cary Ruble, Regulation Development and Enforcement Coordinator
- DORA staff
 - Kye Lehr, Department of Regulatory Affairs, Chief Plumbing Inspector

The following individuals and/or entities were notified that this rule-making was proposed for consideration by the Board of Health:

- CDPHE staff
 - Jeff Lawrence, Division of Environmental Health and Sustainability, Director
 - Sean Scott, Division of Environmental Health and Sustainability, Deputy Director
 - Cary Ruble, Regulation Development and Enforcement Coordinator
- DORA staff
 - Kye Lehr, Department of Regulatory Affairs, Chief Plumbing Inspector

Summarize Major Factual and Policy Issues Encountered and the Stakeholder Feedback Received. If there is a lack of consensus regarding the proposed rule, please also identify the Department's efforts to address stakeholder feedback or why the Department was unable to accommodate the request.

No major factual or policy issues have been encountered.

Please identify health equity and environmental justice (HEEJ) impacts. Does this proposal impact Coloradoans equally or equitably? Does this proposal provide an opportunity to advance HEEJ? Are there other factors that influenced these rules?

The repeal of 6 CCR 1010-15 has no HEEJ impacts.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**Division of Environmental Health and Sustainability – promulgated by Colorado Board of Health****STANDARDS FOR INSPECTION EXAMING BOARD OF PLUMBERS****6 CCR 1010-15***[Editor's Notes follow the text of the rules at the end of this CCR Document.]***ADMINISTRATIVE CODE PLUMBING REGULATIONS****AUTHORITY:****ADOPTED:****EFFECTIVE DATE:****REPEALS:**

~~–Standards for Inspection Plumbing Licenses and Temporary Working Permits Operation Policy for Examining Board of Plumbers~~

~~–Chapter 142-1-1 and 3~~

~~–Colorado State Board of Health, November 11, 1963 (Amended December 14, 1964)~~

~~–April 1, 1984~~

~~–ADMINISTRATIVE CODE PLUMBING, including previously adopted Articles XVI, XVII, XVIII, XIX and XX.~~

I. INSPECTION AND INSTALLATION – STANDARDS**A. GENERAL:**

~~All plumbing within the State as defined by the plumbing law (CRS 1963: 142-1-21) is subject to inspection in order to ascertain status of compliance with the rules and regulations of the State Department of Public Health.~~

II. INSPECTION – DANGEROUS OR DEFECTIVE WORK**A. UNCOVERING WORK:**

~~Any plumbing installation or part thereof which has been covered and which the State Plumbing inspector has information or cause to believe does not meet the requirements of this Code, shall be uncovered for inspection upon his direction. (CRS 1963: 142-1-1)~~

B. DEFECTIVE WORK:

~~If inspection or testing of plumbing shows defective material or improper installation it shall be replaced, altered, or repaired not later than a date specified in writing by the State Plumbing Inspector, or authorized deputy. Defective plumbing shall be subject to retesting until passed. Test(s) may be witnessed by building contractor, owner or owner's authorized deputy when an Inspector of plumbing or sanitarian is not available. (See CRS 1963: 142-1-1)~~
