

To: Secretary of the IAPMO Standards Council
IAPMO Research and Testing
5001 E. Philadelphia St.
Ontario, CA 91761

From: Stephen Fuller-Rowell
Sonoma County Water Coalition
404A Mendocino Ave
Santa Rosa, CA 95404

707-575-5594

Date: October 14, 2005

RE: NOTICE OF APPEAL

The Sonoma County Water Coalition includes 30 organizations and speaks for over 27,000 citizens concerned about all aspects of water including water conservation.

We are appealing the IAPMO action of September 27, 2005 to approve the 2006 edition of the Uniform Plumbing Code (UPC). In specific, our appeal is based on substantive issues of proposed amendments and actions concerning Section 406.2 of the UPC. The proposed amendments were included in the 2005 Report On Comments (ROC) as Comment Sequence # 013 – 042, 045-049, and 133 – 137.

The recent actions of the Technical Committee and the IAPMO membership concerning Section 406.2 are not based on scientific or technical merit. Many of the Committee statements are false, presumptive, and/or misguided by information distributed by the pipe manufacturers and trade councils during the 2005 Technical Meeting. The pipe industry has a financial self-serving interest in eliminating non-water-supplied urinals from the marketplace, yet the information they distributed gave a false impression that their concern was for public safety. Entities responsible for public safety such as water purveyors, environmental groups and public health agencies did not provide evidence that non-water supplied urinals are more hazardous than flushing urinals. IAPMO committee and membership actions are based on biased sources of false information without any scientific evidence, as outlined below.

We are appealing based on the premise that consumers should be allowed to make buying decisions as long as the product does not create an unnecessary increase in health and safety risks. There is no scientific evidence that non-water supplied urinals increase the health and safety risks of the public. It is not the role of IAPMO to make purchasing decisions for the public, where health risks are not unreasonable. IAPMO has received scientific evidence that non-water supplied urinals are safer than flushing urinals. We appeal because IAPMO has not provided evidence to refute the scientific evidence submitted, which support the use of non-water supplied urinals.

According to IAPMO documentation in the 2005 ROC, the Technical Committee based its decision on ten presumptions. For purposes of clarity, the following lists each of the presumptions (in italics) as documented in the ROC, followed by our testimony that the statement is incorrect, misguided, and/or a non-substantive argument attempting to obscure restraining the trade of innovative plumbing products.

1. When in locations with heavy use excessive maintenance & repair is required including replacement of cartridges.

Section 101.4.12 of the UPC requires the plumbing and drainage system on the premises to be properly maintained. Section 101.5.5 requires all plumbing systems and material to be properly maintained. All plumbing systems and fixtures require maintenance. There is no evidence that non-water supplied urinals require more maintenance. To the contrary, many purchase these urinals because they offer a reduction of maintenance costs and concerns. No credible evidence has been supplied to the Technical Committee to verify maintenance costs are greater for all makes and models of non-water supplied urinals.

2. If the cartridge is not changed at the required intervals, the urinal will drain slower and may overflow urine onto the floor.

Water supplied urinals are the main cause of water and urine on lavatory floors. No evidence has been submitted that confirms non-water supplied urinals increase the occurrence of this problem. To the contrary, many schools purchase non-water supplied urinals to prevent the occurrence of urinal overflows. ALL urinals require some maintenance.

3. Removal and replacement of cartridges is an unpleasant and unsanitary job for maintenance workers.

There are MANY unpleasant and unsanitary jobs required of maintenance workers. Mopping up after toilet and urinal overflows and unclogging toilets occurs more often than cartridge replacements, and is less pleasant and less sanitary. Manufacturers provide tools that allow workers to replace cartridges without direct contact with the urinal.

4. There have been documented failures as evidenced by removal of installed products at the airports in Seattle, Oakland, and Burbank; Colorado Parks, by a published report by Plumbing Foundation of the City of New York, Inc.; failures in the Los Angeles Water & Power building.

These reports come from a biased source and are a misrepresentation of the facts. The plumbing trades have a financial interest in preventing the advent of non-water supplied urinals. The source of this information should NOT be considered credible.

Some of these reported "removals" were due to the completion of pilot studies being performed and were not caused by unsatisfactory performance of the fixtures. This anecdotal evidence presumes that flushing urinals have a 100% satisfaction rate and are never removed. There are more than 100,000 non-water supplied urinals installed across the world with very high satisfaction rates. Some installations include schools, hospitals, water agency offices, government buildings and military facilities: all of which are satisfied enough to purchase additional non-water supplied urinals based on personal experience. These

facilities removed flushing urinals because unsatisfactory performance. The “published reports” fail to mention the thousands of flushing urinals replaced each month in favor of non-water-supplied urinals. In truth, consumers have more often chosen to remove flushing urinals to replace with non-water supplied urinals than vice-versa.

5. Questionable reduction in water usage due to cleaning requirements.

IAPMO has never been presented with any evidence to support this presumption. To the contrary, there are numerous well documented case studies that have proven the water efficiency advantages of non-water supplied urinals. Cleaning requirements for non-water supplied urinals are identical to flushing urinals. The Technical Committee’s inclusion of Statement 5 is self-evident that the Committee is unqualified to judge the technical merits of non-water supplied urinals.

6. Higher current level of sanitation provided by current UPC requirements.

No evidence was provided to support the statement that waterless urinals require higher levels of sanitation compared to flushing urinals. To the contrary, IAPMO was provided with volumes of scientific research results that show non-water supplied urinals are more sanitary than flushing urinals. IAPMO is making judgments despite any evidence to support its presumptions.

7. Use of waterless urinals make the least sanitary fixture even more insanitary.

No evidence was provided to support the statement that waterless urinals require higher levels of sanitation compared to flushing urinals. To the contrary, IAPMO was provided with volumes of scientific research results that show waterless urinals are more sanitary than flushing urinals.

Overwhelming scientific evidence has proven the toilet to be the greatest health risk of all restroom fixtures, not urinals. Unlike feces, urine is essentially sterile at the time emitted. The Technical Committee statement is self-evident members do not possess adequate knowledge and are unqualified to judge the technical merits of this issue.

8. The proponent may wish to consider developing a future code change to require the use of reclaimed water for urinals.

This is a sophomoric argument and has no place in the UPC revision process. Reclaimed water supply is not available for many facilities. Reclaimed water is cost prohibitive for virtually all existing buildings due to non-separation or water supply pipes to urinals and toilets. The pipes manufacturers and trades promote reclaimed water use because they financially gain from increased pipe requirements when facilities use reclaimed water. While reclaimed water is an important component of water planning, it is not a replacement for water use efficiency measures.

Statement 8 presumes the only advantage to non-water supplied urinals is water conservation. In fact, many consumers choose non-water supplied urinals to: reduce maintenance costs, reduce liability from clogged flushing urinals overflowing, and improve restroom sanitation. Scientific evidence reveals that flushing urinals pose greater health risks than waterless urinals; flushing reclaimed water does not improve the sanitary risks or maintenance problems of flushing urinals.

9. Air quality in bathrooms is severely jeopardized.

No scientific evidence has been provided to prove waterless urinals jeopardize air quality. To the contrary, scientific evidence has been provided to IAPMO that proved flushing urinals create an aerosolized spray of bacteria into the air with potential health risks. Non-water supplied urinals do not create this same health risk. IAPMO has chosen to make claims and presumptions without any supporting evidence.

10. New installations that are plumbed for waterless urinals which are later replaced with flushing urinals require major redesign and repiping to accommodate the added fresh water demand.

Some members of the Technical Committee have shown curious discretion in their concern for water supply issues. Pipe sizing requirements have NOT been reduced at the same proportion to reduced water use requirements of fixtures. Federal law has reduced the water demand requirements for virtually all bathroom fixtures. The UPC has not reduced pipe sizing requirements in equal proportion to fixture water demand reductions.

For example: a 1.6 Gallon Per Flush (GPF) toilet uses 54% less water than a 3.5 GPF toilet, yet pipe sizing requirements have only been reduced by 36% for 1.6 GPF toilets. Because Water Supply Fixture Units (these Units are values assigned by UPC to determine pipe water supply requirements) has not been proportionally reduced, the UPC already insures an excess supply of water to restrooms. Adequate water supply for renovations may be a valid issue, but no evidence has been provided to support the validity of this potential problem. IAPMO's claim is not supported by documented evidence, and presumes faulty non-water supplied urinals could not be remedied by replacements of functional non-water supplied urinals. Again, false presumptions are the basis of IAPMO statements.

We thank you for considering our input and trust that you will reconsider your September 27 action.

Sincerely,

Stephen Fuller-Rowell
Sonoma County Water Coalition