

**DIVISION 770
PRODUCT APPROVALS**

918-770-0050**Purpose**

(1) This division of rules interprets and applies ORS 447.152 and 447.154. The rules:

(a) Establish minimum health and safety standards for design and construction of plumbing products; and

(b) Describe procedures for approval of plumbing product testing laboratories and bodies operating plumbing product certification systems.

(2) No plumbing product may be sold or offered for sale in the state of Oregon unless it has been:

(a) Found by a Board-approved testing laboratory to be in conformance with plumbing product standards approved by the Board; and

(b) Listed by a body or organization approved by the Board to certify plumbing products for conformance with product standards approved by the Board.

(3) This division of rules also establishes standards and procedures for approval of plumbing products by special deputies.

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97

918-770-0060**Notice**

Notice required under these rules may be given by personal service or mail, postage prepaid, addressed to the person, organization or laboratory as it appears on the records of the Board.

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97

918-770-0070**Definitions**

For the purposes of OAR chapter 918, division 770, unless the context clearly indicates otherwise, the following words and terms shall have the following meanings:

(1) "Accreditation" means the procedure by which an authoritative body or organization gives formal recognition that a body or organization is competent to carry out specific tasks.

(2) "Approved Product Certification System" means a product certification system approved by the Board to certify plumbing products for conformance with product standards approved by the Board.

(3) "Approved Testing Laboratory" means a laboratory accredited by an approved accrediting organization recognized by the Board to test plumbing

products for conformance with standards approved by the Board.

(4) "Board" means the Oregon State Plumbing Board.

(5) "Certificate of Accreditation" means a document issued to a testing laboratory or certification body or organization.

(6) "Certification Mark" means the mark owned, controlled and registered by a body operating a product certification system and used to identify approval or listing of a product as meeting particular product standards.

(7) "Certification Program" means a procedure by which a certification body or organization gives written assurance that plumbing products conform to specific product standards.

(8) "Division" means the Building Codes Division of the Oregon Department of Consumer and Business Services.

(9) "Plumbing Products" means all potable water supply and distribution pipes, plumbing fixtures and traps, drainage and vent pipes and building drains, including their respective joints and connections, supports, devices, receptacles, appurtenances, appliances and other related items.

(10) "Plumbing Product Standards" means standards for composition and performance testing of plumbing products or systems.

(11) "Recognized Standards" means plumbing product or system standards that have been approved by the Board as meeting the intent of the Oregon State Plumbing Specialty Code.

(12) "Scope of Accreditation" means a document issued by an accrediting organization listing the test standards or calibration services for which the organization is accredited.

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97

Composting Toilet Rules

918-770-0080**Construction and Installation of Composting Toilets**

(1) Definition: "Compost toilet" means a permanent toilet receptacle used to receive and store human wastes, toilet paper, biodegradable domestic garbage, and other vegetative matter for the purpose of aerobic decomposition of materials received therein.

(2) Product and Design Approval:

(a) Before a manufactured or individually designed compost toilet is installed, approval must be obtained from the division with concurrence of the board by an approved certifier to the approved standards in OAR 918-770-0050 to 918-770-0320;

(b) Criteria used to evaluate the units includes, but is not limited to:

(A) **NSF Standard 41** (May 1983 revised); or

(B) Composting toilets listed by NSF International to **NSF Standard 41** (May 1983 revised) are approved.

(3) Site Locations: Residential compost toilet installations shall be limited to areas where a grey water disposal system approved by the Department of Environmental Quality can be installed and used; or such grey water is discharged into a public sewage system.

(4) Installation:

(a) Prior to commencement of the installation of a composting toilet, a plumbing permit must be obtained from the authority having jurisdiction. A permit will be granted upon showing:

(A) The site location is in accordance with these rules; and

(B) The manufactured composting toilet or individual design has been approved by the division or listed with NSF International to **Standard 41** (May 1983 revised).

(b) Compost toilets shall be designed to provide a solid connection to the floor with corrosive-resistant fasteners:

(A) All suspended under-floor components shall be supported with non-corrosive hangers adequately designed to support the weight of the system. Hangers shall meet the approval of the authority having jurisdiction;

(B) All under-floor components designed to set on a stable surface shall have footings adequately designed to support the weight of the system.

(c) Vent pipes shall be sealed at all joints and insulated in a way to minimize condensation. The vent stack shall be insulated in a way to minimize condensation. The vent stack shall extend from each chamber or seat box to a point at least two feet above the highest elevation of any portion of the building within ten feet of the vent. Each vent shall be flashed and shall terminate not less than ten feet from or at least three feet above any window, door, opening, air intake, or vent shaft; nor less than three feet in every direction from any lot line, alleys and streets excepted;

(d) All compost toilets shall be installed in an insulated area, or the chamber shall be insulated to maintain a proper temperature inside the chamber to keep a biological balance of the materials therein;

(e) Where a compost toilet is installed in an existing dwelling, piping, fixtures or equipment shall be located to not interfere with normal use or normal operation and use of windows, doors, or other required facilities.

(5) Inspections:

(a) All installations shall be installed in a workmanship like manner and shall not be put into use until inspected and approved by the authority having jurisdiction;

(b) Either the authority having jurisdiction or the division may conduct periodic inspections of any compost toilet in accordance with ORS 447.124.

(6) Maintenance:

(a) Humus from composting toilets may be used around ornamental shrubs, flowers, trees, or fruit trees and shall be buried under at least twelve inches of soil cover. Deposit of humus from any compost toilet around any edible vegetable or vegetation shall be prohibited;

(b) The compost toilet system of any premises under the jurisdiction of the authority having jurisdiction shall be maintained in a sanitary and safe operation condition by the owner or by his agent. Whenever compliance with all of the provisions of these rules fails to eliminate or alleviate a nuisance or any dangerous or insanitary condition which may involve health hazards or safety hazards, the owner or the owner's agent shall install such additional plumbing and drainage facilities or shall make such repairs or alterations or removals as may be ordered by the authority having jurisdiction.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.118

Stats. Implemented: ORS 447.118

Hist.: DC 12-1978, f. 4-5-78, ef. 4-15-78; DC 4-1979, f. 1-24-79, ef. 1-25-79; DC 7-1979, f. 3-26-79, ef. 4-1-79; DC 13-1981, f. 10-30-81, ef. 11-1-81; DC 1-1983, f. & ef. 1-3-83; Renumbered from 814-021-0900; BCD 6-1998, f. 3-2-98, cert. ef. 4-1-98, Renumbered from 918-790-0010; BCD 22-2000, f. 9-19-00, cert. ef. 10-1-00

918-770-0100

Approval of Testing Laboratories

Requirements for Approval of Testing Laboratories.

(1) The Board shall only accept test data submitted for the purpose of demonstrating conformance with plumbing product standards approved by the Board from testing laboratories accredited as meeting the requirements contained in ISO/IEC Guide 25:1990, General Requirements for the Competence of Calibration and Testing Laboratories, by an approved laboratory accreditation program. Testing laboratories shall only be recognized for those test procedures listed on a scope of accreditation issued by an approved laboratory accreditation program organization, or as may be specially conditioned by the Board.

(2) Approval of testing laboratories shall be based on the issuance of a Certificate of Accreditation issued by an approved laboratory accreditation program organization. Only accrediting organizations that meet the requirements contained in ISO/IEC Guide 58:1993, Calibration and Testing Laboratory Accreditation Systems — General Requirements for Operation and Recognition, that provide and maintain active certifications for testing laboratories, for specific test methods in scopes of accreditation from referenced standards, may be approved pursuant to this rule.

(3) The following testing laboratory accreditation organizations are approved as of the effective date of this rule:

(a) National Voluntary Laboratory Accreditation Program (NVLAP); and

(b) State of Oregon Electrical and Elevator Board. Other organizations may apply for recognition by submitting application to the Chief Plumbing Inspector.

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97

918-770-0110

Standards of Approval for Bodies Operating Product Certification Systems

Bodies and organizations that desire to operate product certification systems for the purpose of providing written assurances that plumbing products conform to specific product standards approved by the Board shall be required to demonstrate compliance with the requirements contained in ISO/IEC Guide 65:1996, General Requirements for Bodies Operating Product Certification Systems. Approved product certifiers shall be required to provide the Board at least one copy of a product directory or listing of plumbing products that the certifier has found to conform to product standards approved by the Board.

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97; BCD 20-2001, f. 12-21-01, cert. ef. 1-1-02

918-770-0120

Application Procedures

(1) A testing laboratory that desires approval to test plumbing products for conformance with product standards approved by the Board shall submit an application to the Chief Plumbing Inspector. The application shall specify the product standards to which the laboratory seeks approval to test. The application shall also include a Certificate of Accreditation issued by an approved laboratory accreditation program organization.

(2) Laboratory accrediting organizations that desire approval to issue Certificates of Accreditation shall submit an application to the Chief Plumbing Inspector. The application shall contain evidence of compliance with the requirements contained in ISO/IEC Guide 58:1993, Calibration and Testing Laboratory Accreditation Systems —General Requirements for Operation and Recognition.

(3) Bodies and organizations seeking approval to certify plumbing products for conformance with product standards approved by the Board shall submit an application to the Chief Plumbing Inspector. The application shall contain documented evidence of compliance with the requirements contained in ISO/IEC Guide 65:1996, General Requirements for Bodies Operating Product Certification Systems.

(4) Approval of testing laboratories, laboratory accreditation organizations and product certification

systems shall be for an indefinite period and contingent upon the laboratory, accreditation organization or product certification system maintaining compliance with the applicable approval requirements.

(5) If an application is denied, the applicant shall be notified in writing of the reasons. The applicant may submit revisions which are needed to obtain approval without prejudice.

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97; BCD 20-2001, f. 12-21-01, cert. ef. 1-1-02

918-770-0130

Revocation of Approval

(1) The Board may revoke the approval of a testing laboratory, laboratory accreditation organization or product certification system for failure to comply with any of the applicable approval requirements described in these rules.

(2) The Board shall provide a testing laboratory, accrediting organization or certifier notice of intent to revoke approval. A testing laboratory, accrediting organization or certifier shall have 30 days from the date of receipt of a notice to respond to the proposal. Judicial review of the Board's decision to revoke approval shall be available as provided for in ORS Chapter 183. Unless the Board determines that allowing a testing laboratory, accrediting organization or certifier to continue to accredit laboratories or to test or certify plumbing products would result in an immediate threat to public health and safety, the Board's decision to revoke an approval of a testing laboratory, accrediting organization or certifier shall be stayed pending the outcome of any appeal.

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97

918-770-0140

Change in Status

Approved laboratories, accrediting organizations and certifiers shall inform the Board of any change in conditions or criteria of approval or accreditation that could affect the status of their approval, accreditation or conformance to these rules, including but not limited to ownership, location, staffing, facilities and configuration. The notice shall be provided to the Board within 30 days of any change which could affect any approval, accreditation or certification system status.

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97

918-770-0200**Product Certification by Special Deputies**

(1) Plumbing products may be approved by a special deputy appointed by the Chief Plumbing Inspector if:

(a) No more than three similar products exist or are intended to be produced;

(b) There are no more than two manufacturers of the same or similar product, and the person requesting certification does not intend to seek further special deputy certification of the product for sale in Oregon; and

(c) The product is not offered for sale in Oregon more than two times over any two-year period following an inspection by a special deputy.

(2) For the purposes of this rule, "three similar products" includes custom-assembled products intended for the same general purpose.

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97

918-770-0210**Submission of Plumbing Products for Approval by Special Deputy**

Persons seeking approval of plumbing products by a special deputy shall provide the special deputy with a sample of the product for which approval is sought or a site-specific location where the product may be reviewed. The applicant shall also provide the special deputy with design or shop drawings, engineering data and any other test data that the special deputy determines to be reasonably necessary to evaluate the plumbing product for which approval is sought.

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97

918-770-0220**Fees and Procedures**

(1) Persons requesting product approval by special deputies shall pay hourly inspection fees at the rate of \$40 per hour as a specially requested inspection. If the Board or special deputy determines that a product requires additional testing or evaluation through a laboratory or engineering firm, the person requesting special deputy certification shall pay the company doing the testing or evaluation directly.

(2) Special deputy inspection fees shall be paid prior to inspection. If the exact amount cannot be determined in advance, the person requesting a special deputy inspection shall pay the division an amount sufficient to pay the estimated fee prior to inspection. Any portion of the deposit not required for the fee shall be refunded to the applicant upon written request.

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97

918-770-0230**Special Deputy Certification Procedures**

(1) A special deputy inspector may determine if a plumbing product meets applicable minimum health and safety standards adopted by the Board by:

(a) Examining the product and its components for compliance with applicable product standards approved by the Board;

(b) Reviewing the assembly of labeled, listed, recognized or noncertified components for correct and applicable application and installation;

(c) Reviewing code compliance; and

(d) Requiring "production type" testing where required by the applicable product safety standard adopted by the Board.

(2) A certification label is attached by the special deputy inspector on the product, or placement of a certification label is authorized.

(3) Where production line products are accepted for special deputy certification, the special deputy may examine the product to approved standards, determine whether the product meets minimum health and safety standards and review production quality control processes. The special deputy may authorize attachment of labels to all future products manufactured in conformance with the manufacturer's quality control plan approved by the special deputy. The special deputy may make periodic visits to any manufacturing facility to verify that the product continues to be manufactured in accordance with an approved quality control plan. Certifications of production line products approved by a special deputy shall be conditioned on the product continuing to be manufactured in conformance with the product specifications and manufacturing requirements as originally approved by the special deputy.

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97

918-770-0300**Certification Marks and Product Standards Identification**

Plumbing products listed under the provisions of these rules must be identifiable. The certification mark of an approved certification body shall be marked upon the certified product or on a separate document enclosed in the product's packaging. If the certification mark is enclosed on a separate document within the product packaging, it must also include the following:

(1) A picture, image or line drawing clearly showing the product certified;

(2) The registered marks in 15 USC 1051 et.seq of the product certifier;

(3) The product specifications and standards which the product is certified as meeting, including the appropriate adoption dates of the listed standards;

(4) The name or mark of the manufacturer and model number of the product certified;

(5) The location of the manufacturing plant of origin for the product; and

(6) Any labeling information required for the product listed in the product standards approved by the Board.

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97

918-770-0320

Approved Plumbing Product Standards and Specifications

The following standards and specifications for plumbing products are approved by the Board:

(1) Composting Toilets, **NSF Standard No. 41—May 1983.**

(2) Recognized plumbing product standards listed in Chapter 14, Table 14-1 of the **Oregon State Plumbing Specialty Code** adopted in OAR 918-750-0110.

(3) Testable backflow prevention assemblies approved by the Oregon Health Division Drinking Water Program and listed on the January 2000 “Approved Backflow Prevention Assembly List.”

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.152

Stats. Implemented: ORS 447.152

Hist.: BCD 10-1997, f. 7-16-97, cert. ef. 10-1-97; BCD 22-2000, f. 9-19-00, cert. ef. 10-1-00

918-770-0330

Exempt Plumbing Products

The following plumbing products are exempt from product approval by the board:

(1) Lead roof flashings;

(2) Pipe hanger hooks; and

(3) Nail plates.

Stat. Auth.: ORS 447.154

Stats. Implemented: ORS 447.154

Hist.: BCD 22-2000, f. 9-19-00, cert. ef. 10-1-00