

## Burgos, Alexander N

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**Subject:** FW: [External] Comments on 2024 Plumbing Code  
**Attachments:** Letter requesting RRC object to certain sections in 2024 Plumbing Code - submitted.docx

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**From:** Canaan Huie <[canaanhuie@mvalaw.com](mailto:canaanhuie@mvalaw.com)>  
**Sent:** Wednesday, December 6, 2023 3:50 PM  
**To:** rrc.comments <[rrc.comments@oah.nc.gov](mailto:rrc.comments@oah.nc.gov)>  
**Cc:** Rittlinger, David B <[david.rittlinger@ncdoi.gov](mailto:david.rittlinger@ncdoi.gov)>  
**Subject:** [External] Comments on 2024 Plumbing Code

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Good afternoon.

Attached is a letter requesting the Rules Review Commission object to sections 702.1, 702.4, 1102.2, and 1102.7 of the 2024 Plumbing Code. These sections do not comply with the provisions of G.S. 150B-21.9. In each case, the section violates G.S. 150B-21.9(a)(1) because it is not within the authority delegated to the agency by the General Assembly. In fact, in each case, the section is contrary to a specific statutory provision.

Please don't hesitate to contact me if you have any questions.

Thanks,  
Canaan

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December 6, 2023

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Brian Liebman  
North Carolina Office of Administrative Hearings  
Rules Review Commission  
1711 New Hope Church Road  
Raleigh, NC 27609

**Re: 2024 NC Plumbing Code**

Dear Mr. Liebman:

I am writing on behalf of Charlotte Pipe and Foundry Company to request the Rules Review Commission object to certain sections of the 2024 Plumbing Code, which was adopted by the Building Code Council on September 12, 2023. The specific sections for which we request an objection are sections 702.1, 702.4, 1102.2, and 1102.7. As outlined below, these sections do not comply with the provisions of G.S. 150B-21.9. In each case, the section violates G.S. 150B-21.9(a)(1) because it is not within the authority delegated to the agency by the General Assembly. In fact, in each case, the section is contrary to a specific statutory provision.

**Background**

Prior to the adoption of the 2024 Plumbing Code by the Building Code Council, the Plumbing Code contained a limitation that prohibited the use of certain plastic pipe, plastic pipe fittings, and plastic plumbing appurtenances in certain systems in buildings in which the top occupied floor exceeds 75 feet in height. Specifically, these sections included the following relevant language:

- Section 702.1. **“Exception:** Plastic pipe with an inside diameter of 2 inches (51 mm) and larger shall not be used for storm drainage drain, waste and vent conductors in buildings in which the top occupied floor exceeds 75 feet (23m) in height.”
- Section 702.4. **“Exception:** Plastic pipe fittings and plastic plumbing appurtenances with an inside diameter of 2 inches (51 mm) and larger shall not be used for drain, waste and vent conductors in buildings in which the top occupied floor exceeds 75 feet (23 m) in height.”
- Section 1102.2. **“Exception:** Plastic pipe with an inside diameter of 2 inches and larger shall not be used for storm drainage conductors in buildings in which the top occupied floor exceeds 75 feet (23m) in height.”

- Section 1102.7. **“Exception:** Plastic pipe fittings and plastic plumbing appurtenances with an inside diameter of 2 inches and larger shall not be used for storm drainage conductors in buildings in which the top occupied floor exceeds 75 feet (23m) in height.”

In 2023, the General Assembly enacted statutory language that codified these limitations. [S.L. 2023-137, HB 600](#), Regulatory Reform Act of 2023, became law on October 10, 2023. Section 36 of that act, which became effective October 10, 2023, pursuant to Section 54(b) of the act, reads as follows:

**“PRESERVE EXISTING NORTH CAROLINA BUILDING CODE LIMITATION ON THE USE OF PLASTIC PIPE IN CERTAIN BUILDINGS**

**SECTION 36.** G.S. 143-138 is amended by adding a new subsection to read:

“(b24) Limitation on Use of Plastic Pipes. – No State, county, or local building code or regulation shall allow for the use of plastic pipes, plastic pipe fittings, and plastic plumbing appurtenances with an inside diameter 2 inches (51 millimeters) and larger in either of the following circumstances:

- (1) Drain, waste, and vent conductors in buildings in which the top occupied floor exceeds 75 feet (23 meters) in height.
- (2) Storm drainage conductors in buildings in which the top occupied floor exceeds 75 feet (23 meters) in height.”

The corresponding sections adopted as part of the 2024 Plumbing Code (Sections 702.1, 702.4, 1102.2, and 1102.7) do not contain these limitations. In fairness to the Building Code Council, the 2024 Plumbing Code was adopted by the Council on September 12, 2023 – four weeks prior to the enactment of S.L. 2023-137.

### **Analysis**

As currently written, these sections would allow for the use of plastic pipes, plastic pipe fittings, and plastic plumbing appurtenances with an inside diameter 2 inches (51 millimeters) and larger in drain, waste, and vent conductors and storm drainage conductors in buildings in which the top occupied floor exceeds 75 feet (23 meters) in height in direct contradiction of the newly enacted G.S. 143-138(b24).

- Section 702.1 of the 2024 Plumbing Code provides, “Above-ground soil, waste and vent pipe shall conform to one of the standards listed in Table 702.1.” The standards listed in Table 702.1 include plastic pipe with an inside diameter 2 inches and larger. The Section does not contain the limitation required by G.S. 143-138(b24) and, therefore, appears to authorize the use of plastic pipe with an inside diameter 2 inches and larger in drain, waste, and vent conductors in buildings in which the top occupied floor exceeds 75 feet (23 meters) in height in direct violation of that statute.
- Section 702.4 of the 2024 Plumbing Code provides, “Pipe fittings shall be approved for installation with the piping material installed and shall comply with the applicable standards listed in Table 702.4.” The standards listed in Table 702.4 include plastic pipe fittings and plastic plumbing appurtenances with an inside diameter 2 inches and larger. The Section does not contain the limitation required by G.S. 143-138(b24)

and, therefore, appears to authorize the use of plastic pipe fittings and plastic pipe appurtenances with an inside diameter 2 inches and larger in drain, waste, and vent conductors in buildings in which the top occupied floor exceeds 75 feet (23 meters) in height in direct violation of that statute.

- Section 1102.2 of the 2024 Plumbing Code provides, “Inside storm drainage conductors installed above ground shall conform to one of the standards listed in Table 702.1.” The standards listed in Table 702.1 include plastic pipe with an inside diameter 2 inches and larger. The Section does not contain the limitation required by G.S. 143-138(b24) and, therefore, appears to authorize the use of plastic pipe with an inside diameter 2 inches and larger in storm drainage conductors in buildings in which the top occupied floor exceeds 75 feet (23 meters) in height in direct violation of that statute.
- Section 1102.7 of the 2024 Plumbing Code provides, “Pipe fittings shall be approved for installation with the piping material installed, and shall conform to the respective pipe standards or one of the standards listed in Table 1102.7.” The standards listed in Table 1102.7 include plastic pipe fittings and plastic plumbing appurtenances with an inside diameter 2 inches and larger. The Section does not contain the limitation required by G.S. 143-138(b24) and, therefore, appears to authorize the use of plastic pipe fittings and plastic pipe appurtenances with an inside diameter 2 inches and larger in storm drainage conductors in buildings in which the top occupied floor exceeds 75 feet (23 meters) in height in direct violation of that statute.

### **Requested action**

Because these sections do not contain the limitation required by G.S. 143-138(b24), they are not within the authority delegated to the Building Code Council by the General Assembly. We therefore request that the Rules Review Commission object to Sections 702.1, 702.4, 1102.2, and 1102.7 of the 2024 Plumbing Code as adopted by the Building Code Council.

I understand that it is not the role of the Rules Review Commission to revise rules, but merely to approve or object to them. I will add, however, that we would have no objection to these sections if the limiting language were included as is the case with the corresponding sections in the current Plumbing Code.

I’m happy to meet with you in person or by phone or video conference if you have any questions. Thank you for your consideration.

Sincerely,

Y. Canaan Huie

Cc: David Rittlinger, Building Code Council