

SENATE HEALTH & WELFARE COMMITTEE
Thursday, January 28, 2016

ATTACHMENT 2



B.A.T. & Supply LLC



Backflow Assembly Testing & Supply LLC
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Idaho Senate
Health & Welfare Committee
RE: Proposed Rules

Dear Members,

I am writing with concerns of proposed rules for the Drinking Water and Wastewater Professionals. The docket # for this is 24.0501.1501.

I feel some of these rule changes are unnecessary and bias against Backflow Assembly Testers also referred to as BATS. For a board who governs over drinking water and wastewater operators along with the BATS I cannot understand why one of these professions should be singled out to have a code of ethics and standard of conduct.

My company is one of two companies in the State of Idaho that provides training to gain certification which in turn allows those who are successful to file for license with the Bureau of Licenses to provide backflow assembly testing. This gives me opportunity to interact with testers throughout the state on a regular basis along with water purveyors. I have received input from many of the water purveyors and they feel that the proposed rules would take their authority and power away that they already have in running a backflow prevention program. The Idaho Rules for Public Drinking Water Systems "IDAPA 58.01.08" gives them guidance and authority to manage their programs and the BATS that test valves within their water system. One of these program managers made the comment ***"I have worked hard to get my program running the way I want it and it runs very well. I don't need a board telling me I have to turn over my authority to them to dictate what BATS can do within my system. It is my responsibility to assure the drinking water safety not theirs and IDAPA gives me this."***

Some of the wanted rule additions have me concerned because of inaccuracies and rules just to have rules without a way to enforce them. Under the Standards of Conduct section of the proposed rules - Principle 4 there is mention of a requirement pertaining to the field test kits. There is no such requirement in the manual (PNWS AWWA Cross Connection Control), it only recommends the practice referred to and is an industry standard that many water purveyors already require. Another point of concern pertaining to this is the fact that the PNWS AWWA manual is what the Plumbing Bureau currently follows as the standard for backflow prevention and cross connection control and is in the process of being changed as they are looking at adopting either the International Association of Plumbing & Mechanical Officials (IAPMO) code or the Uniform Plumbing Code (UPC) and eliminating the PNWS AWWA. I have been informed that this change will probably go into effect in 2018.



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This profession is my livelihood I have been in this industry since 1997. I stay actively involved with all aspects as much as possible with traveling nationwide to attend trainings and staying informed with updates and changes. This allows me to remain versed in the subject and able to provide professionalism when providing training in Idaho and other states.

I feel that the board for the Drinking Water and Wastewater Professionals is trying to dictate my day to day operations as a Backflow Assembly Tester. Many of the items listed in the proposed rules are things that are taught during a training course and testers could not have passed the exam to become a tester without this knowledge.

As for being honest and truthful in their day to day work, I don't think having a rule such as wanted in the last line of the proposed rule document will make that happen. *"A Backflow Assembly Tester shall not falsify the results of a backflow prevention assembly field test or inspection"*. Illegal anyway. Everyone always wears a seatbelt because it's the law, correct.

Basically, I don't see a need for this to become rule. Having rules on top of rules already in place is an opportunity to have confliction with other agencies and unnecessary.

Thank you for taking time to hear my concerns and views. If you have questions about any of my comments please do not hesitate to contact me.

Leslie Wilder - Owner
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April 4, 2014

Dear Board Members,

Thank you once again for the opportunity for input regarding the Code of Ethics/Conduct.

Personally, I do not see a need for this past a basic statement. Water purveyors are already the ones with enforcement power over testers and should be left to decide how to enforce their program requirements with corrective steps against testers who do not comply with said programs, which includes filing complaints with the Bureau of Occupational Licenses.

There are steps in place currently for anyone feeling the need to pursue action against a tester for non compliance of the rules. If power of enforcement is in anyway taken away from or side tracked from the water purveyor, a tester with questionable practices on the local level will continue on with this for a time while the Bureau addresses it through the legal process. This exposes the safety of the drinking water at that local level. Program managers "with justification" must be able to halt anyone who is not following the rules, regulations and proper practices of a backflow assembly tester.

I also see a possible overload to the Bureau of Occupational Licenses with an increase of complaints being filed because of frivolous, minor infractions that could and should be handled by the water purveyor.

If you have any questions of me or would like more clarification of my comments please contact me.

Thank you again,

Leslie Wilder

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Below you will find more input from me concerning verbiage in definitions & principles;

General Code of Ethics

A licensed Backflow Assembly Tester shall:

1. Recognize at all time that his/her primary obligation is to perform his/her duties with due care and diligence to protect the safety, health and welfare of the public;
2. Comply with this chapter and all applicable state and federal laws and regulations relating to backflow assembly testing;
3. Perform only the duties consistent with experience and training appropriate to his/her experience, skills, abilities, and level of certification; and
4. Be completely objective and truthful in all professional reports, statements, or testimony and include all relevant and pertinent information in such reports, statements or testimony.

Definitions: Why do we need to repeat and redefine definitions already in place?

Approved Backflow Prevention Assembly: an assembly such as a Double Check Valve Assembly (DCVA), a Pressure Vacuum Breaker Assembly (PVBA), a Reduced Pressure Backflow Assembly (RPBA), or a Spill-Resistant Pressure Vacuum Breaker Assembly (SVBA) used for the protection of the public water supply per the provisions of IDAPA 58.01.08 under the jurisdiction of the Idaho Department of Environmental Quality. For new construction or replacement the specific assembly shall be on the current approval list as referenced by the Rule and as approved by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USCFCCCHR)

Approved Backflow Prevention Device: a device such as an Atmospheric Vacuum Breaker (AVB) which does not contain valves or test ports, or method such as an air gap utilized to prevent cross connections to a public water supply.

Backflow Assembly Tester (BAT): means a person who tests backflow prevention assemblies and who holds a current Idaho Backflow Assembly Tester (BAT) license in the state of Idaho Only this is state in Title 54, Chapter 24, Idaho Code. for the purpose of conducting field performance tests, maintenance, repairs, like-kind replacement, and inspections of approved backflow assemblies as defined in Title 54, Chapter 24, Idaho Code. (Replacement does not include fire flow protection assemblies.)

Calibration/verification: the annual verification and/or calibration of a backflow assembly field test kit by an approved who will be determining the approval? instrument calibration laboratory/facility or by a person qualified (e.g. manufacturer, licensed dealer, or calibration technician).

Certification: the regular certification training program approved by the Board of Drinking Water and Wastewater Professionals stipulating that the Backflow Assembly Tester has demonstrated sufficient competency to correctly test approved backflow prevention assemblies in the state of Idaho as defined in the Rule of the Board of Drinking Water and Wastewater Professionals (IDAPA 24.05.01).

Customer: means the owner of the property or his/her authorized or appointed agent.

Field Test Kit: an instrument, either mechanical or electronic in design, and all related fittings, tools, equipment and appurtenances necessary to perform field verification tests on approved backflow prevention assemblies.

IDAPA: Idaho Administrative Procedures Act, specifically in this case, covers Rules of the Board of Drinking Water and Wastewater Professionals (IDAPA 24.05.01) for licensing and the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08).

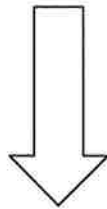
License: means a physical document issued by the Board of Drinking Water and Wastewater Professionals through the Idaho Bureau of Occupational Licenses certifying that an individual has met the appropriate qualifications and has been granted the authority to practice in Idaho under the provisions of Chapter 24, Title 54, Idaho Code.

Public Water System: public water systems are defined in IDAPA 58.01.08 and supply potable water to the customers who own the approved backflow prevention assemblies. Public Water System owners or operators are administratively responsible for the cross connection control programs.

Test Procedures: standardized test procedures for each approved backflow prevention assembly consistent with the Backflow Assembly Tester's most recent training course and/or practical exam, and acceptable to the public water system having jurisdiction.

Test Report: a standardized form acceptable to the public water system used to record all crucial information regarding the field test, maintenance, repairs, replacements, and inspections performed on the particular approved backflow prevention assembly. The owner of the public water system may specify a standardized form to use when submitting a Test Report. This can already be specified by the water system.

Continue to Principles Below



Standards of Conduct

Principle 1

A Backflow Assembly Tester shall notify the customer, identify, inspect, observe, field test, maintain, repair, what if they do not have the skills or abilities to accomplish this? and replace approved backflow prevention assemblies, approved backflow prevention devices, and air gaps that are utilized to protect the public water supply. Backflow Assembly Testers under authorization of the customer may perform maintenance, repair and replacement of assemblies, devices or air gaps. Keep in mind that backflow assembly testers in gaining license were NOT trained deeply in repairs, especially of large valves and not at all on installing valves (just installation criteria). They were trained to conduct tests and very basic repairs. See level of certification in opening **General Code of Ethics** under # 3.

Principle 2

When conducting inspections and field tests of approved backflow prevention assemblies, a Backflow Assembly Tester shall use procedures that meet the requirements as referenced by IDAPA 58.01.08 and are consistent with the field test procedures and methods used on the Tester's most recently passed Idaho approved training course and/or practical exam.

Principle 3

The Backflow Assembly Tester shall observe or inspect existing installations of backflow prevention assemblies to ensure the assembly is correct for the level of protection and the type of hazard present. Improperly installed assemblies should be reported to the customer and the Public Water System. If the assembly is not the correct type of protection, or the installation is improper, the tester shall note the discrepancy on the Test Report form and submit the form to the customer and the Public Water System.

Principle 4

A Backflow Assembly Tester shall use a properly working and calibrated field test kit that meets the requirements this is only recommendations in the manual of the Northwest Section of the American Water Works Association Cross Connection Control Manual, most recent approved edition, as referenced by IDAPA 58.01.08. A Backflow Assembly Tester shall submit to the public water system owner or operator, upon request, a calibration report that verifies the accuracy of the field test kit at least once within the twelve month period before the inspection and field test date. A Backflow Assembly Tester may also be requested to submit a copy of the Board issued validation card that verifies the Backflow Assembly Tester's current certification status.

The only references in IDAPA 58.01.08 to
AWWA Pacific Northwest Section Cross Connection Control Manual is for Assembly selection

543. FACILITY AND DESIGN STANDARDS: CROSS CONNECTION CONTROL.

04. Assembly Selection. Appropriate and adequate backflow prevention assembly types for various facilities, fixtures, equipment, and uses of water should be selected from the AWWA Pacific Northwest Section Cross Connection Control Manual, the Uniform Plumbing Code, the AWWA Recommended Practice for Backflow Prevention and Cross Connection Control (M14), the USC Foundation Manual of Cross Connection Control, or other sources deemed acceptable by the Department. The selected assembly manufacturer model number must be included on the USC Foundation "List of Approved Assemblies" and must comply with local ordinances. (4-4-13)

06. Cross Connection Control Program - Community Water Systems.

b. Required installation and operation of adequate backflow prevention assemblies. Appropriate and adequate backflow prevention assembly types for various facilities, fixtures, equipment, and uses of water should be selected from the AWWA Pacific Northwest Section Cross Connection Control Manual, the Uniform Plumbing Code, the AWWA Recommended Practice for Backflow Prevention and Cross Connection Control (M14), the USC Foundation Manual of Cross Connection Control, or other sources deemed acceptable by the Department. The assemblies must meet the requirements of Section 543 and comply with local ordinances. (4-4-13)

Principle 5

The Backflow Assembly Tester must be adequately trained and capable of using a field test kit, all tools, and other equipment and appurtenances necessary to inspect and field test approved backflow prevention assemblies, inspect air gaps and atmospheric vacuum breakers.

Principle 6

When maintaining, repairing, or replacing an approved backflow prevention assembly or AVB, a Backflow Assembly Tester shall ensure the backflow assembly or AVB meets the original manufacturer's specifications or otherwise be approvable by the USC foundation as required by IDAPA 58.01.08.

Principle 7

If the backflow prevention assembly passed the field test, then the Backflow Assembly Tester shall submit a passing field Test Report form to the customer and the appropriate public water system having jurisdiction within twenty (20) calendar days of performing the field test. This is a water purveyor's enforcement issue not an issue the IBOL Water and Wastewater Board should be addressing.

Principle 8

If the backflow prevention assembly is defective or fails to pass the field test, then the Backflow Assembly Tester shall submit a failing field Test Report form to the customer and the appropriate public water system having jurisdiction immediately if possible, or no later than two business days. The customer has ten (10) business days to repair or replace the failed assembly. After ten (10) business days of notification, if the public water system has not received a passing Test Report form, service may be terminated in accordance with IDAPA 58.01.08.552.06.e. This is a water purveyor's enforcement issue not an issue the IBOL Water and Wastewater Board should be addressing.

Principle 9

The Backflow Assembly Tester shall only record data and sign test forms of approved backflow prevention assemblies they have tested. A Backflow Assembly Tester shall not knowingly falsify the results of backflow prevention assembly field tests performed by him/her. All Test Reports must be submitted on proper forms approved by the public water system having jurisdiction. They must be legible and contain all appropriate information pertaining to the test including make, model, size, serial number, orientation, test results, repairs and parts listed if applicable, and result of second test if required.

Principle 10

All Backflow Assembly Testers shall be certified licensed by the state of Idaho and shall participate in the recertification refresher process at least once every two (2) years. Additionally, all Backflow Assembly Testers should have their test equipment standardized and/or examined by a person who is qualified (e.g. manufacturer, licensed dealer, or calibration technician) repetitive from the definitions and again who will determine who is qualified and approve those people? at least once every year or as required by the public water system having jurisdiction.

