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December 13, 2023

VIA ELECTRONIC MAIL TO:

Chairman and Members of Florida Building Commission

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RE: Request for Reconsideration/Postponement of Implementation of Update Revisions to Sections 717 and 718 of the Florida Building Code

Mr. Chairman and Board Members:

The Buchanan law firm represents Advanced Pace Technologies LLC d/b/a Advanced Plumbing Technology (“APT”), and our firm has been retained to seek reconsideration/postponement of the implementation of update revisions to Sections 717

and 718 of the Florida Building Code regarding the relining of existing building sewers and building drainage piping.

Our client's primary concerns with the revisions are as follows:

- Proposed Section 717.2 restricts the relining of existing piping to only pipes of four-inch diameter and larger, which eliminates relining of damaged pipes for the vast majority of Florida homeowners and businesses because those plumbing systems typically utilize piping of less than four-inch diameter;
- Proposed Section 717.4 requires permitting for a process that does not change the plumbing system and requires Code officials to have specific knowledge of unknown manufacturer's installation requirements, which is unreasonable and will cause excessive project delays; and
- Proposed Section 718.1 imposes requirements that create a product and service monopoly for specific contractors, who will enjoy de facto code-mandated protected trade areas throughout Florida.

The Issue with the Proposed Revisions to Section 717.2

Proposed Section 717.2 states, "The relining of existing building sewer and building drainage piping shall be limited to gravity drainage piping, 4 inches (102 mm) in diameter and larger. The relined piping shall be of the same nominal size as the existing piping."

By restricting relining to four inches and above, the new Code would eliminate the option to reline damaged pipes for the vast majority of Florida homeowners and businesses because those plumbing systems typically utilize piping of less than four-inch diameter. Florida homeowners and businesses will no longer be able to mitigate piping issues in a way that is minimally invasive and less expensive than complete replacement. If the proposed changes to Section 717.2 are implemented, total replacement of a homeowner's plumbing system with significant destruction and reconstruction of the owner's home or business will become the only option to remediate old or damaged pipes based on the new building code language. However, the proposed changes to Section 717.2 would require excavation of underground piping and weeks of displacement to a property or business owner.

The proposed modified code language seems to be based upon a time when there was no equipment manufactured specifically for relining of two-inch pipe, however this is an outdated circumstance. There is now equipment in use by plumbers around Florida that is manufactured specifically for two-inch pipe sizes, and there is no basis for the change in building code to eliminate the relining of two-inch piping.

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Additional concerns exist regarding the application to critical industries in Florida, such as medical facilities with substantial two-or-three-inch pipes that require trenchless rehabilitation to not jeopardize critical operations. While specific industries have additional code structures, this language is subjective, and leaves open the opportunity for further pipe failures because the only available option is replacement versus rehabilitation. There is no technical support, studies, or industry documentation which supports limiting pipe relining to a four-inch or larger diameter.

The Issue with the Proposed Revisions to Section 717.4

Proposed Section 717.4 states, "Prior to permit issuance, the code official shall review and evaluate the preinstallation recorded video camera survey to determine if the piping system is capable to be relined in accordance with the proposed lining system manufacturer's installation requirements and applicable referenced standards."

Because relining does not change the plumbing system, (it is a process whereby the plumbing system is remediated to its original state of operation), Code-compliance permitting is not warranted or required for pipelining projects. Furthermore, asking for a Code official to have the knowledge of dozens of manufacturer's installation requirements is unreasonable and will cause excessive project delays.

The Issue with the Proposed Revisions to Section 718.1

Proposed Section 718.1 states, "Sectional cure-in-place rehabilitation of building sewer piping and sewer service lateral piping shall be in accordance with ASTM F2599. Main and lateral cure-in-place rehabilitation of building sewer and sewer service lateral pipe and their connections to the main sewer pipe shall be in accordance with ASTM F2561. Hydrophilic rings or gaskets in cure-in-place rehabilitation of building sewer piping and sewer service laterals shall be in accordance with ASTM F3240 to ensure water tightness and elimination of ground water penetration."

With regard to main and lateral pipe relining, ASTM 2561 and ASTM 3240 is a significant overreach that creates a proprietary code that can only be fulfilled by one company and creates a product and service monopoly. ASTM F2561 allows for installation by only two contractors north of Highway 60, neither of which are Florida based companies. Gulf Coast Underground based in Alabama, and Quam Construction based in Minnesota. South of Highway 60 only one contractor is permitted to install ASTM F2561 which is LMK Pipe Renewal, the same entity who patented the system and wrote the ASTM specification. If implemented, Florida will have a building code that only three contractors statewide can offer, two of which are not based in the state, and the final one is the author of the specification and code and has a proprietary grip on the required technology.

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In the past, APT considered utilizing LMK's technology, however LMK requires that anyone licensing its technology sign a non-compete that prevents the licensee from installing any materials that comply to ASTM 2561 south of Highway 60. Implementation of proposed Section 718.1 will create a protected trade area for LMK, whereby anyone who attempts to comply with the provision south of Highway 60 will either be in violation of the Code or violation of contract. Allowing this as building code effectively creates a monopoly for one company to control the entire lateral lining industry both in terms of products and services when newer, more robust technologies that meet or exceed the ASTM specifications exists. ASTM F2561 is known in the industry as the WRT or LMK specification because municipalities blindly use this specification not realizing they are releasing a proprietary non-competitive bid, to see if applied to the building code is an egregious overstep.

If any specification is to be used for lateral lining, the NASSCO specification is a non-proprietary option. Furthermore, ASTM 2561 calls strictly for thermos-cured resin systems when UV lining and the non-VOC resin systems used within are far more environmentally friendly and available in the open market.

The goal of main and lateral CIPP is to create a monolithic piping system that mitigations infiltration/exfiltration, citing of the ASTM spec is not required as every lateral lining system offers those key characteristics. ASTM F1216 should be the only spec ever used when citing CIPP related to material strength, otherwise it should be up to each community, property owner, or building owner to determine the best cost-effective system to utilize.

Practical Issues with Proposed Revisions

From a practical standpoint, APT has more than 50 jobs in various stages that will be affected by these proposed Code changes taking place on January 1, 2024. Furthermore, APT has hundreds of estimates and signed contracts that have not hit the local ordinance permitting stage where homeowners will no longer be able to afford to fix their homes because the cost of new code compliance will cause the price to quadruple. APT has performed less than four-inch diameter pipeliner repairs to businesses throughout Florida, and those businesses were able to stay open and operate without any financial loss while repairs were made. This will no longer be able be possible with the proposed revisions. Florida businesses will have to close down their operation to facilitate more expensive and time-consuming repairs necessitated by the proposed revisions.

From an insurance perspective, there are thousands of water claims in the insurance system that utilize CIPP as a method of repair because it is a fraction of the cost of the repairs necessitated by the proposed revisions. These claims will inevitably become full-fledged lawsuits and eventually settlements of significant increase due to the time-consuming repairs necessitated by the proposed revisions. All of this combined will drive up the number of claims filed yearly because homeowners will no longer be able to afford repair costs to damaged pipes.

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**Request for Reconsideration/Postponement of Implementation of Update
Revisions to Sections 717 and 718 of the Florida Building Code**

Based upon the foregoing, APT requests the Florida Building Commission reconsider the implementation of the updated revisions to Sections 717 and 718 of the Florida Building Code. If implemented, these revisions would have a chilling effect on residential and commercial pipelining industry throughout Florida and create an unintended monopoly for a very small number of contractors. Furthermore, it would make routine plumbing repairs dramatically more expensive and disruptive for Florida homeowners and businesses. If the Commission is not inclined to reconsider the implementation of the updated revisions, please consider a six-month delay in implementation. This delay would allow further information to be obtained and provided regarding the unintended effects of the updated revisions to Sections 717 and 718 of the Florida Building Code. Should neither option be effectuated by the Commission, APT will have little choice but the seek an injunction of the enforcement of the updated revisions based upon the aforementioned concerns.

Thank you for your consideration of this matter.

Respectfully,



Steven C. Pratico

cc: Advanced Pace Technologies LLC d/b/a Advanced Plumbing Technology