

# Legislative Analysis



## LIMIT FREQUENCY OF INSPECTIONS OF LAWN SPRINKLER BACKFLOW PREVENTERS

Mary Ann Cleary, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bills 5317 (Substitute H-1) & 5318 (Substitute H-3)**

**Sponsor: Rep. Michael D. McCready**

**Committee: Regulatory Reform**

**Complete to 5-21-14**

### A SUMMARY OF HOUSE BILL 5317 & 5318 AS REPORTED FROM COMMITTEE

House Bill 5317 would amend Section 5 of the Safe Drinking Water Act (MCL 325.1005) by adding Section 5(4), which would prohibit any rules or guidelines from being issued that would require the testing of a backflow preventer on a residential lawn sprinkler system more often than once every 10 years after initial installation and testing, unless the sprinkler system had undergone repair since the time of its last testing, or if the system includes a chemical injection system.

House Bill 5318 would amend the Stille-DeRossett-Hale Single State Construction Code Act (MCL 125.1501-125.1531) by adding subsection 13G, which would reflect the testing frequency changes made in House Bill 5317. The bill states that if a water utility has an approved comprehensive control program for the elimination of all cross connections, a testable backflow preventer on a lawn sprinkler system must be tested only when required by the program, subject to the limitations expressed in House Bill 5317.

The bills are tie-barred, meaning one cannot take effect if the other does not take effect.

### BACKGROUND AND DISCUSSION:

Administrative rules that accompany the Safe Drinking Water Act require periodic inspection of backflow preventers. According to committee testimony, at least one community in Oakland County enforces yearly testing of backflow preventers on residential sprinkler systems, which involves paying for a certified tester to come to the home and inspect the preventer. The fee for the inspection is \$55 and also sometimes involves having individuals take time off from work to be at home when the inspection takes place. Some people consider annual inspections excessive. The bill sponsor, after discussions with the Michigan Department of Environmental Quality, introduced these bills to address this issue. Originally, the bills would have amended the act to prohibit municipalities from mandating inspections more frequently than once every three years.

After discussion among committee members, the bill was amended to increase that threshold from not more than once every three years to once every 10 years. The DEQ opposed this amendment, noting that they would prefer to leave local governments with more flexibility in setting the intervals.

**FISCAL IMPACT:**

House Bill 5317 would have no significant fiscal impact on the Department of Environmental Quality.

**POSITIONS:**

The Byron-Gaines Utility Authority indicated support for the bill as amended, although indicated in written testimony that they preferred an exemption from periodic testing requirements. (5-14-14)

The Department of Environmental Quality, Mid-West Instrument and BPMA (Backflow Prevention Manufacturers Association), and Michigan Plumbing and Mechanical Contractors Association have indicated opposition to the bill. (5-14-14)

Legislative Analyst: Josh Roesner  
Fiscal Analyst: Viola Bay Wild

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.