

October 17, 2007

TO: All Concerned

FROM: Jay Mundy, CIPE, CPD
Plumbing/Mechanical Inspections Supervisor

SUBJECT: What is a “Public” Facility?

QUESTION:

Section 413.1 of the 2006 Uniform Plumbing Code [UPC] requires a means to prevent hot water temperatures “delivered from ‘public use’ lavatories” from exceeding 120 degrees F. The definition of “public or public use” given in the UPC includes everything that is not “private”. The UPC definition of “private” restricts this term exclusively to fixtures utilized by “a family or an individual”. Is it the intent of the UPC to require *every* lavatory that is not in private use to be provided a temperature control valve to assure hot water delivery at 120 degrees F. or less?

ANSWER:

Consistency in application of the term “public use” facilities would require hot water temperature controls at lavatories in those locations where elongated water closets, with open front seats, would also be required by the Plumbing Code. Public facilities are normally available to the “general” public, which is to say they are accessible to all who wish to use them without requesting special permission. The distinction here is that those fixtures used exclusively by employees usually have restricted access, and frequently have need for water to be provided at elevated temperatures. Hand wash sinks (lavatories) in restaurant kitchens, hand wash sinks (lavatories) in medical facilities, hand wash sinks in industrial use, etc. would not qualify as “public use” fixtures. These fixtures are not available to the general public, other than when specifically authorized.

The logical intent of UPC Section 413.1 is to protect children and others who might, because of a variety of infirmities, cause themselves harm by unintended exposure to water at a temperature sufficiently hot to scald. It is reasonable to assume that employees [who routinely use a variety of commercial plumbing fixtures that may be discharging water at temperatures in excess of 120 degrees F.] are at no greater risk when utilizing employee-use lavatories supplied with water at those same elevated temperatures. Protecting the general public of all ages and abilities should not interfere with the needs of workers who require more than tepid water temperatures in order to accomplish their assigned tasks.

SUMMARY:

Section 413.1 of the 2006 UPC is clearly intended to protect the general public from exposure to unexpected hot water temperatures, especially children and others who may lack the ability to use appropriate prudence when using these fixtures. It is not the intent of this Code section to interfere with practical applications of water at temperatures in excess of 120 degrees F. If this were the case the Code would require *all* hot water to *all* fixtures to be supplied at 120 degrees F. or less.

The intent is to prevent people who have unrestricted access to public toilet facilities [many of whom are children, the elderly, the infirm, and others] from injuring themselves by scalding with water temperatures in excess of 120 degrees F. Employees of any commercial facility would not be categorized as part of the “public”. Employees are often required to sanitize, remove oil or grease, scrub themselves, or fulfill a variety of other responsibilities that might not be successfully accomplished using relatively cold water. No other fixtures in a public-use building are restricted to hot water temperatures of 120 degrees F. or less. Taken as a whole it is evident that the writers of Code Section 413.1 were assigning the 120 degree temperature limitation to the one fixture available to the general public that might otherwise have a hot water discharge in excess of 120 degrees F. This Code section is similar to another Code requirement that requires self-closing or metered lavatory faucets, these to be installed on lavatories serving the “transient public”. No other “public use” lavatories are required to be equipped with these valves. Additionally, self-closing valves are not required on fixtures intended for employee usage, nor are they required for any applications or locations other than those specifically designated.

CONCLUSION:

All lavatories available for use by the “general public” [e.g., access without special authorization] shall be equipped with thermostatic mixing valves capable of maintaining water discharge temperatures at not to exceed 120 degrees F. This requirement is not applicable to other fixtures, nor is it applicable to non-general public utilization of lavatories or similar hand-wash fixtures.