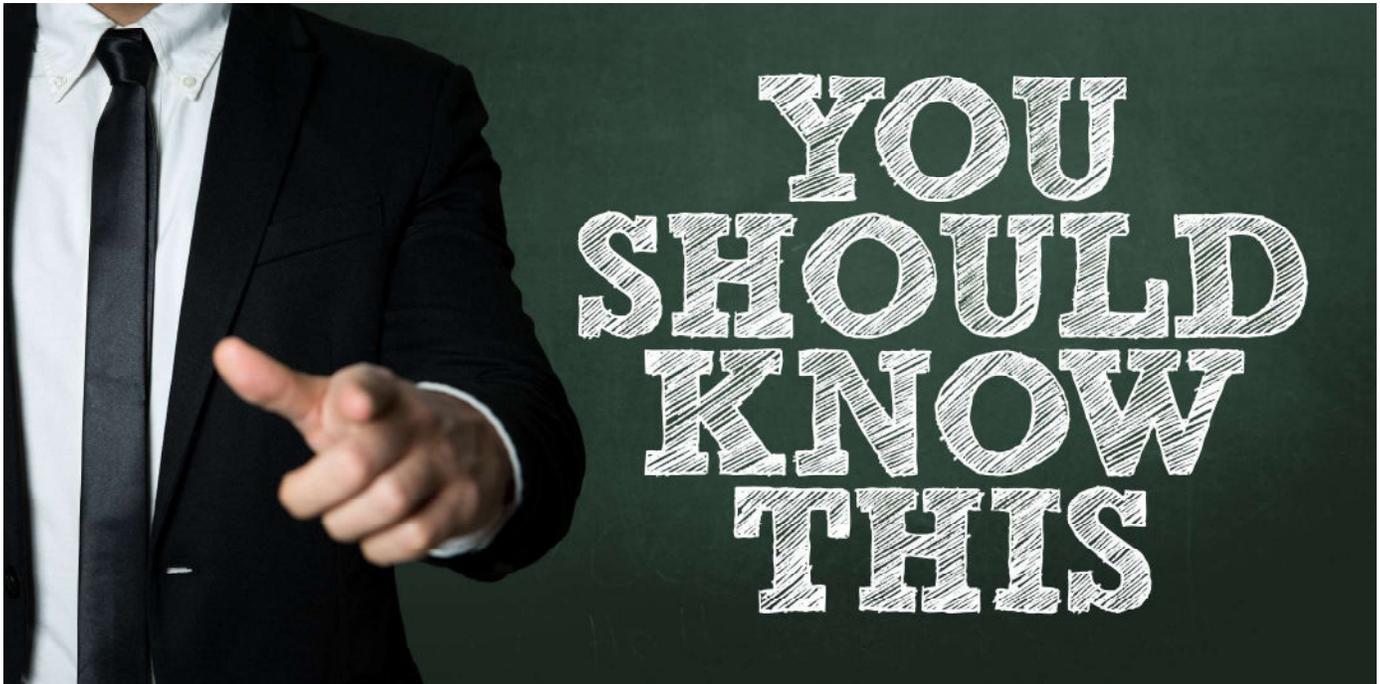


Chapter 5

Hot Topics



Learning Objectives

After this chapter you will be able to

- ⇒ Recall SOP requirements for CSST;
- ⇒ Explain the inspector's duty regarding gas supply systems;
- ⇒ Explain hydrostatic testing;
- ⇒ Explain sewer line inspections;
- ⇒ Identify issues with providing an opinion on the foundation;
- ⇒ Discuss issues surrounding the use of drones during inspections.

CSST Lightning Safety Awareness

Corrugated Stainless Steel Tubing (CSST) is a yellow, flexible, metal gas tubing used to supply natural gas or propane to gas appliances and HVAC systems for both residential and commercial structures. Since 1990, CSST has been installed in millions of homes in the U.S. It has been shown that an indirect lightning strike near a structure in which CSST is present may cause an electrical surge to travel through the structure and perforate the sidewall of the CSST as the energy, seeking ground, arcs from one metallic system to another. This arcing may ignite the pressurized gas leaking from the per-

forated CSST and potentially cause a fire. Proper bonding and grounding a CSST system may reduce the likelihood of CSST perforation and electrical arcing due to an indirect lightning strike. While current manufacturing guidelines and gas fuel codes require direct bonding of newly installed CSST, many installations, particularly older installations, may not meet the current installation requirements.

Bonding of the Gas Supply System: Inspector's Duty Under the Standards of Practice

Section §535.229 of the SOPs requires an inspector to report as deficient any "deficiencies in bonding and grounding." This requirement applies to all metal pipes, including CSST, which is just one of the materials that may be used in a gas supply or distribution system. The SOPs do not require an inspector to determine if CSST is present in a home. However, if an inspector observes CSST during an inspection, the inspector must determine if the CSST is bonded, subject to any limitations in the SOPs. This requirement does not prevent an inspector from specifically reporting the presence of CSST in an inspection report or referring a client to additional information regarding the product.

The SOPs do not require an inspector to determine if CSST is properly bonded. The inspector need only determine if the gas supply system is bonded. Any determination as to whether a gas supply system is properly bonded should be left to a person with the required expertise to do so, such as a licensed master electrician. The preamble to the SOPs was amended in 2015 to enhance consumer protection by providing the consumer with notice regarding the potential hazard caused by the lack of bonding on gas piping, including CSST.

Hydrostatic Testing

A hydrostatic test is a method for testing strength and leaks in pipelines, plumbing, gas cylinders, boilers, and fuel tanks. The testing pressure is always higher than the normal operating pressure of the system.

It is not mandatory to conduct a hydrostatic test when performing a real estate inspection. If a buyer wishes to have a hydrostatic test performed on a property, a licensed plumber is the only authorized professional who may perform a hydrostatic test on a system within a home. An inspector may only perform a hydrostatic test if the inspector is also a licensed plumber.

Before any hydrostatic testing may be performed on a property, the property owner or seller must sign a separate written document authorizing such testing.

TREC has been informed that some real estate agents may be attempting to coerce inspectors to perform a hydrostatic test on a home by threatening to stop using the services of any inspector who refuses to perform such a test. Such behavior by a real estate agent is considered acting in bad faith and not in the best interest of the agent's client and may subject an agent to disciplinary action.

Sewer Line Inspections

Until recently, the Texas State Board of Examiners (Plumbing Board) prohibited anyone not licensed as a plumber from performing a sewer scope inspection. That prohibition was repealed by the Plumbing Board in August, 2020.

Section §535.231 of the SOPs requires an inspector to operate plumbing fixtures, test for drain performance, and to report deficiencies in water supply pipes and waste pipes, but the SOPs do not contemplate the use of a cam-

era to scope a sewer line. In fact, the SOPs specifically exempts an inspector from using specialized equipment or inspecting for defects or deficiencies that are otherwise buried, hidden, latent, or concealed.

However, the SOPs do not prohibit an inspector from going beyond the scope required by the SOPs. While the SOPs do not provide specific guidance to an inspector who chooses to provide a higher level of inspection performance than required by the SOPs, Section 1102.301 of the Texas Occupation Code prohibits an inspector from performing a real estate inspection in a negligent or incompetent manner. This means that an inspector must be competent to conduct all aspects of a real estate inspection, even when inspecting beyond the scope required by the SOPs, such as conducting the inspection of a sewer line with a camera or other specialized equipment. If it is determined that an inspector who performed a sewer scope inspection was not competent to do so, the inspector could be subject to disciplinary action by TREC.

Providing an Opinion of the Foundation

Section §535.228(a) of the SOPs require an inspector to render a written opinion as to the performance of the foundation. Recently, concerns have been raised that this provision of the SOP may require an inspector to perform work that is only authorized to be done by a licensed professional engineer.

Analyzing the cause of a condition, recommendations for repair, or providing any other expert engineering opinion associated with a foundation, including the foundations systems and components, is considered the practice of engineering per Section §1001.003(c)(1) of the Occupations Code and could warrant disciplinary action from the Texas Board of Professional Engineers if conducted by someone not licensed as a Professional Engineer.

TREC rules specify that a real estate inspection is “a limited visual survey and basic performance evaluation of the systems and components of a building using normal controls that provides information regarding the general condition of a residence at the time of inspection”; and “is not intended to be a comprehensive investigation or exploratory probe to determine the cause or effect of deficiencies noted by the inspector.” Any deficiency noted by an inspector on the Property Inspection Report is intended to only be an indicator of visible conditions or symptoms observed

by an inspector and may warrant further evaluation by another qualified service professional. As a result, both the Texas Board of Professional Engineers and TREC have determined that an inspector who conducts a visual real estate inspection in accordance with the SOPs does not engage in the practice of engineering.

Using Drones for Inspections

Section §535.228(c) of the SOPs require an inspector to inspect the roof from the surface, which means walking the roof. However, drones are becoming a common tool for home inspectors to use for inspecting the roof. There are several rules and laws that govern an inspector's use of a drone to inspect the roof. First the inspector must be an FAA licensed commercial drone pilot. Second, if the inspector routinely inspects roofs using a drone and does not walk the roof, the Departure Provision of the SOPs require the inspector to notify a prospective client on first contact with that person.

And finally, the SOPs require the inspection report to contain the vantage point from which the inspector inspected the roof, so the inspector must note the use of a drone in the inspection report.

