

**FRICKBERG
RECOMMENDATIONS**

RECOMMENDATIONS TO THE JOINT LEGISLATIVE TASK FORCE ON THE HVAC/R INDUSTRY

By Wm. Michael Frickberg, Task Force Member, HVAC Contractor, 01 Licensed Electrical Contractor, 06, 06A, 07 Electrician

Introductory Thought: Following are my comments to the policy issues provided to us by the staff of the Task Force at the request of the co-Chairs. Please allow me to express my concerns to all the other members of the Task Force that we were only given the options of Approve or Modify, and no option for Not Approve, Disagree or Oppose any of the policy issues presented to us. I think it is appropriate for all of us to have the option to express clearly if we do Not Approve, Disagree or Oppose a particular issue area. Please do not misunderstand or misconstrue my following comments in some way to think they somehow imply any support for some modified version of SB 5831. I do not believe the basic policy contained in SB 5831 as it passed the House of Representatives in 2008 is in the best interest of the HVAC/R workers, the HVAC/R consumers, the HVAC/R contractors, or the public.

Responses on Requested Policy Issues

1) Requirements for certifying HVAC/R mechanics

No HVAC/R mechanic worker certification is needed.

Explanation: As the only member of the Task Force who is a registered contractor with extensive working experience in the HVAC/R industry, a licensed electrical contractor, and a licensed electrician, I find that no persuasive need has been established based on all of the input to the Task Force for certification of HVAC/R mechanics. Following is a brief summary of my reasons for taking this position:

- While the Task Force did provide for public comment on the issue of “need” for HVAC/R workers certification, I found the information presented to clearly indicate there was no need. One of the most telling statements was from the Washington Association of Building Officials dated October 21, 2008,
“The membership asked (as they do with all legislative issues) who was requesting this legislation and is there a compelling need that should be addressed. Specifically, was it the business community, homebuilders, HVAC/R technicians or the public? As individual building officials we have not had any one from these stakeholder groups indicate to us there this is a shortage of qualified HVAC/R technicians or mechanics in the field. The WABO membership felt that with no demonstrable safety issue to the public currently being created with uncertified HVAC/R technicians or mechanics, certification would not prove to be beneficial for addressing a life safety problem which we don’t believe exists.”
- An examination of independent data compiled by Better Business Bureaus across the nation as well as here in Washington State over the past several years indicates that the HVAC/R industry is not a significant area of concern for consumers. Plumbers, who have been required to be certified under state law since 1975, are much more of

- a concern to consumers currently than are HVAC/R contractors. Clearly, certification has not been effective in addressing the concerns about plumbers by the public.
- All of the Task Force members appear to agree that certification of HVAC/R workers will increase costs to the industry which will ultimately be paid by the consumers. No one on the Task Force has been able to provide any evidence of any improvements or benefits for consumers as a result of these higher costs. To the contrary, we have heard from highly invested consumers who have said to the Task Force:
 - “To date there has been no safety consideration brought to our attention to indicate a need for certification or additional regulations.” (The Washington Food Industry)
 - The 7-11 franchisees estimated an almost \$7,000 per year average cost for each franchisee in the state- with no benefit to offset the cost.
 - The Independent Business Association has indicated its small business owner members oppose any certification regulation of the HVAC/R industry.

2) Methods of registering HVAC/R contractors who qualify for two or more registrations or licenses

No HVAC/R contractor registration or licensing combining is needed

Explanation: Proposals for combining the existing state contractor registration with the electrical contractor licensing for of HVAC/R contractors into one document was included in SB 5831 as it passed the House of Representatives in 2008. While this has become an issue of discussion for the Task Force, it has not been, and currently is not, a significant area of concern for the HVAC/R industry. I am the only member of the Task Force to be directly affected by this issue. It is not a major issue to me and my company or to any of the other HVAC/R contractors I am in regular commutations with. I cannot remember anyone testifying to the Task Force that raised this as an important issue. Clearly, it does not justify the need for any legislation like that proposed by SB 5831 as it passed the House of Representatives in 2008.

3) Establishing at least three levels of HVAC/R mechanics, with the ability to be certified in several specialties including HVAC, refrigeration, and gas piping

No need for establishing any levels of HVAC/R mechanic certification.

Explanation: This policy is really addressed by the first policy issue, is there a need for certifying HVAC/R mechanics? There is no demonstrated need, as I previously stated, to certify HVAC/R mechanics. I do know from input to the Task Force and from my own experience that the various levels set for the various proposed certifications are not agreed to by the industry as a whole and there remains significant controversy over the limitations set for the first two levels as proposed in SB 5831 as it passed the House of Representatives in 2008. Given that there is not a demonstrated need for certifying HVAC/R mechanics in the first place, imposing inappropriate limitations on what certain HVAC/R mechanics can and cannot do is clearly not in the best interest of the public and compounds the harms to the public. This has proven to be true time

and time again with the current limitations imposed on HVAC/R certified electricians who cannot perform many of the necessary electrical repairs needed by consumers and requiring the consumer to hire two different contractors to work on their HVAC/R system, an HVAC/R contractor and another electrical contractor to do the electrical work that the current HVAC/R electrical certification does not include in its scope of work definition. This hurts the public, unnecessarily increases costs to the public, and should not be expanded under a legislative proposal like SB 5831. It is also confusing to the public as they do not know which contractors are approved to do what scope of work.

4) The experience requirements for each mechanic level

No need for experience requirement for any HVAC/R mechanic certification.

Explanation: Testimony has clearly established two problems with setting rigid hours requirements and structures on those wishing to enter or progress in the HVAC/R industry. First, it will actually reduce the number of new workers willing to consider entering into the HVAC/R industry at a time the industry is having a hard time of finding new workers because of the long period of time a new worker must work as a trainee at sub-industry wages in order to qualify to work as a full industry mechanic at full industry wages. These same people can go to work in auto repair, a machine shop, equipment repair, etc, etc., etc., and not face the financial hardships and artificial barriers to enter those industries as they would face entering the HVAC/R industry. Second, it artificially limits workers who demonstrate proficiency quicker than other workers. While they are proficient, they are not allowed to be certified and earn full industry wages until they have met these artificially established experience requirement. Actual knowledge and skill is more important than simple time in the field. Unnecessary and expensive requirements only further distort the labor market, add unnecessary costs to the industry which must be passed on to the consumer, and do not meet any identified “need” for the consumer or the industry.

5) The methods by which apprentices and other persons learning to perform HVAC/R work obtain training certificates

No need to require training certificates because there is no need to certify HVAC/R mechanics.

Explanation: Our company has direct experience with this issue of obtaining training certificates as a number of our workers, past and present have training certificates to qualify for their HVAC/R electrician’s certificate. The training certificate imposes costs on both the trainee and the employer that all must be passed on to the customers. This is another example of unnecessary added costs that consumers end up paying in higher costs for HVAC/R work. Since we find no need for HVAC/R mechanic certification in the first place, there is no need for an HVAC/R training certificate.

6) Exemptions to the registration or certification requirements

No certification of HVAC/R mechanics is needed and thus no exemptions from certification are needed.

Explanation: The exemptions proposed in SB 5831, as it passed the House of Representatives in 2008, clearly demonstrated a political compromise that is not a policy set in the best interests of the public. As proposed, the exemptions in SB 5831 provided no assurances to the public that the person who did the HVAC/R work was certified. Owners of a building could have their own employees, with no HVAC/R expertise, legally do HVAC/R work without being certified.

As I have stated previously, there is no demonstrated need for certifying HVAC/R mechanics, and thus no need for exemptions from that certification.

7) The role and composition of the HVAC/R board

No need to establish an HVAC/R Board

Explanation: The creation of an HVAC/R board would be detrimental to the citizens of Washington State because, as proposed in SB 5831 as it passed the House of Representatives in 2008, it would be included as part of the cost increases imposed on the industry and thus on its customers, and for no identifiable benefit to the citizens of Washington State.. The board, as it has been proposed, has consistently been weighted toward a limited segment of the industry along with certain interests who would be exempt from regulation, while failing to include representation from the majority of the industry and other affected interests.

In addition, this board would still not have jurisdiction over all issues related to the work HVAC/R mechanics must do as it would have no jurisdiction over HVAC/R electrical work. Having two separate boards establishing separate policies for a single industry is a recipe for problems and confusion for both the industry and the consumers.

Finally, important disagreements within the industry would only be exacerbated by a board that did not fairly represent every segment of the industry and every other affected interest, more so if the difficult issues still being debated are given to a board to decide. The creation of a board under these conditions only guarantees continued agitation for the Legislature to retake control and decide issues that split the industry.