

**SMITH
RECOMMENDATIONS**

From: IBA [mailto:iba@isomedia.com]
Sent: Friday, November 07, 2008 4:16 PM
To: Reinmuth, Jill
Subject: RE: JLTF on the HVAC/R Industry - Request for Recommendations

Jill:

Below are my responses to the questions asked of Task Force members. As you will see, I could not fit my answers into "Approve" or "Modify" so I responded to each independent of those two options.

Please feel free to call me if you have any questions at 360-485-3336.

Thanks,

Gary Smith
IBA

1. Requirements for certifying HVAC/R mechanics.

- o ~~Approve.~~
- o ~~Modify. (If so, how?)~~

Oppose: Based on the evidence presented to the Task Force, no demonstrated need for certifying HVAC/R mechanics has been established. HVAC/R consumers are not asking for HVAC/R mechanic certification. Building Officials have stated that they do not see a need for HVAC/R mechanic certification. Contractors, grocery stores, and other consumers of HVAC/R contractor services have opposed legislation to certify HVAC/R mechanics. There has been no demonstration of any benefit to consumers resulting from HVAC/R mechanic certification presented to the Task Force. There is no data or identifiable difference in the HVAC/R services received by consumers in local areas of the state with no local HVAC/R mechanic certification as compared to other parts of the state where there is local HVAC/R mechanic certification.

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

- o ~~Approve.~~
- o ~~Modify. (If so, how?)~~

Unnecessary: There was no expressed need to the Task Force by HVAC/R contractors that any legislation was needed to change how HVAC/R contractors who qualify for two or more registrations or licenses should obtain those registrations and licenses. This was a non-issue for all of those HVAC/R contractors who testified to the Task Force.

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.

- ~~Approve.~~
- ~~Modify. (If so, how?)~~

Oppose: Based on the fact that there was a lack of evidence presented to the Task Force to demonstrate a need by or benefit for consumers to certify HVAC/R mechanics, there would thus be no need to establish three levels of HVAC/R mechanic certification to address this lack of need for certification by consumers. The Task Force did hear that there are significant differences of opinion on whether the levels sent in SB 5831 as approved by the House of Representatives were appropriate, fair and workable. This question is superfluous given the fact that there was a lack of evidence demonstrating a need by consumers or the public for any certification of HVAC/R mechanics.

4. The experience requirements for each mechanic level.

- ~~Approve.~~
- ~~Modify. (If so, how?)~~

Oppose: Based on the fact that there was a lack of evidence presented to the Task Force to demonstrate a need by or benefit for consumers to certify HVAC/R mechanics, there would thus be no need to establish any experience requirements for not-needed HVAC/R mechanic certification. The proposed experience requirements as contained in SB 5831 that passed the House of Representatives were effectively arbitrary and not based on any demonstrated need that the amounts of experience required truly related to an individual's ability to do HVAC/R work proficiently. Evidence was presented that the experience requirements will limit new workers from entering the HVAC/R industry and that the HVAC/R industry has a worker shortage (in normal economic times) and establishing more barriers to entering the industry was not good for the public who will need HVAC/R services or the industry in the future.

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

- ~~Approve.~~
- ~~Modify. (If so, how?)~~

Oppose: Based on the fact that there was a lack of evidence presented to the Task Force to demonstrate a need by or benefit for consumers to certify HVAC/R mechanics, there would thus be no need to establish a trainee certificate in order to certify HVAC/R mechanics. Such a process adds costs to the industry that will ultimately be paid for in the form of higher prices paid by consumers for something consumers are not asking for.

6. Exemptions to the registration or certification requirements. Recommendations should be focused on the following exemptions in ESSB 5831 as passed House:

a. ~~Section 5(1)(d) (propane).~~

- ~~Approve.~~
- ~~Modify. (If so, how?)~~

b. ~~Section 5(1)(g) (owners and their employees, but not HVAC/R operators in Seattle).~~

- ~~Approve.~~
- ~~Modify. (If so, how?)~~

c. ~~Section 5(1)(e) (hearth products).~~

- ~~Approve.~~
- ~~Modify. (If so, how?)~~

d. ~~Section 6(1) (temporary exemption for certain refrigeration work in food and beverage stores, but not in Seattle).~~

- ~~Approve.~~
- ~~Modify. (If so, how?)~~

Superfluous Based on the fact that there was a lack of evidence presented to the Task Force to demonstrate a need by or benefit for consumers to certify HVAC/R mechanics, there would thus be no need to establish exemptions from unneeded certification of HVAC/R mechanics. If legislation like SB 5831 as it passed the House of Representatives were to be considered by the Washington Legislature, it would necessary to include exemptions for the areas listed above plus possibly other exemptions to reduce unnecessary and needless harm on consumers and the public.

7. The role and the composition of the HVAC/R Board.

- ~~Approve. _____~~
- ~~Modify. (If so, how?)~~

Oppose: Based on the fact that there was a lack of evidence presented to the Task Force to demonstrate a need by or benefit for consumers to certify HVAC/R mechanics, there is no need to establish a state HVAC/R Board. The Governor has been very clear about her position against establishing new state boards and commissions. The proposal to certify HVAC/R workers and establish an HVAC/R board is being promoted by a minority of special interests in the HVAC/R industry and is not being requested or supported by those who purchase HVAC/R services. The HVAC/R Board proposed in SB 5831 as it passed the House of Representatives was to be made up primarily by those special interests promoting the legislation with only two of the thirteen Board members representing consumers and the public. Consumers and the

public do not need a new HVAC/R Board in Washington State because the consumers and the public do not need or want additional regulation of HVAC/R mechanics or HVAC/R contactors, and the creation of yet another unnecessary and unneeded board is exactly the type of action the Governor has historically opposed. The Department of Licensing Sunrise Review for contractor licensing clearly pointed out that the state is unable to effectively enforce the regulations it already has in place for contractors, including HVAC/R contractors. Imposing more regulations the state cannot enforce will only result in a more unfair and unlevel marketplace in the HVAC/R industry, encourage a larger underground HVAC/R economy (another problem the Legislature has recognized and is trying to address separately), and all to the detriment of the public and the HVAC/R industry.

Respectfully submitted,

Gary Smith
Task Force Member