

COLLINS
DEYETTE
HANSON
CARTER
and
PREZEAU
RECOMMENDATIONS

November 7, 2008

Task Force Members,

Please review the following position statements on the seven previously agreed upon topics. These statements are being submitted jointly by the following HVAC/R Taskforce Members, Kathleen Collins, Lance Deyette, Kolby Hanson (Tim Carter Alternate), and Tracy Prezeau. Thank you in advance for your consideration.

Requirements for certifying HVAC/R mechanics.

- Approve.

The certification requirements cover the proper scope of work and are responsible to our statutory requirement as identified in ESSB 5831, “Whereas it is necessary for the public health and safety to create statewide contractor registration and mechanic certification requirements,...”. Additionally, the language in ESSB 5831 as it passed the House allows for several exemptions reflecting substantial negotiations with multiple Stakeholder groups and “real world” situations. Including exemptions for routine maintenance, work on small systems that represent little or no public safety concerns, homeowner and property owner exemptions, utility exemptions, and like-in-kind equipment replacements. The list of exceptions is consistent with similar regulatory statutes. Lastly, a one year grandfathering window mirrors similar regulatory statutes, and the current language would grant the HVAC/R Board the authority to recommend the Department of Labor and Industries extend that window if a need is recognized.

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

- Approve.

Section three describes the registration process. It clearly allows for a single registration document even for a contractor who files as an HVAC/R and an electrical contractor . Subsection (5) states the contractor only needs one bond. HVAC/R businesses who do more complicated work normally hire subcontractors from more than one trade now and pay the bond at the general contractor level. The intent is that the contractor pay only one bond amount. We think the language is clear, but if it isn't, then it can easily be fixed so that it is.

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.

The corresponding language of the House passed version of ESSB 5831 is responsible to our statutory responsibility as stated in ESSB 5831, and is reflective of years of Stakeholder negotiations. Originally, there were only two proposed levels of certification requirements, commercial and residential, the proposed three levels of certification recognizes real world applications, and is better suited for the diverse HVAC/R industry. The creation of Specialty Certificates provides flexibility for the worker and does not impose undue hardship to certify in areas the individual does not wish to work in or does not have an opportunity to gain work experience in. Additionally, it is consistent with related regulatory statutes and certification requirements and allows for concurrency of on the job training hours where craft overlap occurs.

4. The experience requirements for each mechanic level.

- Approve.

The corresponding language of the House passed version of ESSB 5831 is responsible to our statutory responsibility as stated in ESSB 5831, and is reflective of years of Stakeholder negotiations. The proposed three levels of certification recognize real world applications, and are better suited for the diverse HVAC/R industry. Additionally, it is consistent with related regulatory statutes and certification requirements and allows for concurrency of on the job training hours where craft overlap occurs.

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

- Approve.

The language in the House passed version of ESSB 5831 is responsible to our statutory responsibility as stated in ESSB 5831, and is consistent with related regulatory statutes and certification requirements.

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.

Section 5d allows an exemption for the setting of propane tanks and piping outside of a building. Section 17 3a allows for a gas piping certificate to be issued to a holder of a national certification.

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

- Approve.

Section 5 allows for an exemption for non-contracting building owners and home owners which is consistent with other certification or licensing.

c. Section 5(1)(o) (hearth products).

- Approve.

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

- Approve.

After much negotiation with the grocery industry a compromise of a delay in implementation of this proposed legislation was agreed upon due to other legislative impacts on the grocery industry.

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

- Approve.

The language in ESSB 5831 as it passed the House is consistent with other existing and proposed, advisory boards both in terms of scope of purview, size and composition. Notably, other boards include representatives from exempted industry segments, recognizing they remain valued industry representatives and are Stakeholders and stewards of the overall industry.

We feel the above recommendations deserve to be shared with the full Washington State Legislature, as they are a product of years of negotiations, consider vast amounts of Stakeholder input, and is a truly vetted finished product. Thank you again for your consideration.

Tracy Prezeau

Membership and Business Development Director

IBEW Local 76