

**Synopsis of the July 25, 2007
Electrical Board Policy Advisory Committee Meeting
on a Petition to Create a New HVAC/R Electrical Specialty**

30 persons signed the attendance sheets.

Committee members present were (i.e. Tom Phillips – Chair, Jim Simmons, Tracy Prezeau, Fred Tricarico, Don Kopczynski), along with the Board Secretary, Ron Fuller. Committee member David S. Bowman was absent.

The Chair welcomed all attendees and stated the purpose of the committee. He also related that the committee had met once previously and since that meeting that the proponents of a new HVAC/R specialty had submitted a written description of their desired scope of work and the supplemental requirements (e.g. experience, supervision, etc.) necessary to support their proposal. The Chair also introduced the committee members.

Gary Smith began a presentation of the proponents request for a new HVAC/R specialty. He stated that the proponents would be satisfied with either a new specialty or a revision of the existing 06A HVAC/R specialty to include the items they had requested. These included: eliminating the 3-floor restriction on new HVAC/R work and redefining an HVAC/R system to include equipment outside the unit HVAC/R equipment (e.g. replacement of circuit wiring and etc. necessary to supply electrical power to the HVAC/R equipment). He stated that the proponents feel that a 4,000 hour on-the-job experience and a 2:1 supervision/trainee ratio are adequate for what they were proposing. He also stated that they want to keep the current electrical contractor requirements.

Committee members had several questions for Gary Smith. Karen Peacey and Mike Frickberg joined Gary Smith in responding to the committee's questions. Questions focused on:

- Getting clarification for the compelling substantiation needed for change (i.e. What is the perceived problem?),
- The proponents' intent versus what they supplied in writing,
- Issues related to working on line voltage equipment outside the current allowed scope of work,
- What the proponents mean by the word "install" in their written submission,
- The proponents' understanding of what is currently allowed in the existing scopes of work,
- The effect of the underground economy and unlicensed contractors on the HVAC/R industry, and
- The nature of repairs required in the HVAC/R service industry (i.e. emergency versus routine repairs).

There was some confusion expressed by the committee members due to the apparent differences in what was proposed in writing and what the proponents were describing as their intent. Committee members stated that they were concerned because what was in writing was what would be used in future discussions and decision making, not intent. Gary Smith said that the proponents would be willing to work to clarify their written proposal. The proponents were specifically asked if they wanted an expansion of the existing 06A HVAC/R specialty without an increase in qualifying requirement, supervision, etc. They answered, "Yes."

Several members of the committee expressed that the proponents' proposal was a significant expansion in scope. The proponents expressed their belief that the requested changes were not major.

Committee discussion followed. Discussion focused on:

- Currently available options that might allow the proponents to do the work they requested,
- The currently high number of HVAC/R contractors not currently complying with the electrical licensing laws,
- The level of willingness of the HVAC/R industry to help self-police the HVAC/R compliance issues,
- The disparity of the proponents' written proposal and their stated intent,
- The level of scope expansion being requested,
- The lack of support from the proponents to require additional qualifying experience, supervision, etc. in support of their requested scope expansion,
- The current ability to apply on-the-job experience hours from any type of HVAC/R work (i.e. the mechanical, non-electrical experience).

Public input followed. All speakers and their support/opposition are listed in the meeting sign-in sheets.

Speakers in support of the proponents' request for change included: Gary Smith, Mike Frickberg, Karen Peacey, and David McFerran.

Speakers in opposition included: Gary Price, Brett Olson, David McFerran, Barry Sherman, Tonya Neal, Lance Deyette, Larry Stevens, Susan Lantzy, Al Reed, Dick King, and Dan Newton.

The proponents, Peacey, Frickberg, and Smith, restated their request. David McFerren talked about matching the HVAC/R apprenticeship standards to the electrical specialty scope of work.

The opposition expressed:

- Concerns about a lack of substantiated need,
- Concerns about possible encroachment into other specialty and 01 General Electrician work,
- Concerns about the number of existing specialties and the difficulty of enforcement,
- Concerns about the possible degradation of safety for workers and the general public,
- Results of the JLARC HVAC/R study (e.g. the survey indicating a 79% satisfaction with the current HVAC/R scopes of work, etc.),
- Problems that have been documented when an HVAC/R electrician works outside the currently allowed scope of work,
- Concerns about the proponents' perception that qualified electrical contractors and electricians were not available to do the electrical work necessary to support an HVAC/R system,
- Concerns about the differences between what the proponents submitted in writing and what they stated as their intent,
- That being busy is not a reason to degrade the requirements or increase a scope of work,
- The problems with increasing the scope of work and not addressing the possible need for more stringent requirements,
- The currently available methods for the proponents to get their work done and be in compliance (i.e. the difference between being able and being willing to be in compliance),
- The proponents' request to work on non-HVAC/R building control systems (fire alarm, security, energy management, etc.),
- A concern that a new specialty will stretch L&I's ability to outreach and regulate beyond their capability,
- Stranded capital of electrical contractors who currently do the work proposed by the proponents' proposed expansion of scope,
- That the proponents do not represent all or a majority of the HVAC/R industry.

Committee discussion followed. The committee discussed the statements made by the proponents and the opposition. Primary concerns included:

- The written proposal versus intent,
- The amount and type of scope expansion requested,
- The lack of proponent support for increasing qualifying requirements,
- The lack of voluntary compliance with the laws and rules currently in place,
- The lack of a compelling need,
- Stranded capital for contractors and electricians currently doing the work, similarity of the proponents' proposal to the scope of work for a 01 General license,
- The lack of accountability when verifying the amount of electrical experience hours for trainees.

Some committee members expressed concern with the ability of an HVAC/R contractor to respond in the case of an extreme emergency.

Member Simmons made a motion to recommend to the board that there be no expansion to the existing scope or creation of a new HVAC/R scope and to end discussion of this matter. Member Tricarico seconded and the motion was unanimously approved by the attending committee members.

Member Prezeau mad a motion to recommend to the board that the board request L&I to increase its outreach in explaining the existing scopes of work and to increase it compliance efforts with non-compliant HVAC/R contractors and electricians. Member Tricarico seconded and the motion was unanimously approved by the attending committee members.

The meeting was adjourned.

**Synopsis of the July 26, 2007
Electrical Board Meeting Discussion
on a Petition to Create a New HVAC/R Electrical Specialty**

Electrical Board member and Chair of the Policy Advisory Committee provided the full board a briefing on the outcome of the Policy Advisory Committee meetings regarding the petition to create a new HVAC/R specialty. He related the committee's discussions with the proponents and opposition to the petition. Other committee members added to the Chair's presentation to the full board.

Member Gough expressed concern that the committee may have acted in a final decision making manner. It was explained that the committee was obligated to operate under Robert's Rules of Order and that the motions were specifically made as a recommendation to the full board.

Member Parker made a motion to accept the committee's recommendations and the motion was seconded by member Guillot. The motion was passed with one nay and all other attendees yea.