

**CONCISE EXPLANATORY STATEMENT
ELECTRICAL RULE ADOPTION**

October 12, 2006 Public Hearing
November 30, 2006 Adoption Date
December 31, 2006 Effective Date

The electrical rules were reviewed to ensure the rules are consistent with the national consensus standards, industry practice, clear and concise, and for fee changes.

The rulemaking:

- Incorporated Substitute House Bill 1841, which requires electrical trainees to show sixteen hours of trainee continuing education prior to being allowed to renew their training certificate (2-year renewal).
- Incorporated Substitute Senate Bill 6225, which requires the plumbing program to create specialties for domestic water and farm irrigation systems plumbers.
- Incorporated the language from the emergency rule filed on May 31st regarding coordinated systems for new and existing buildings or structures.
- Reduced the cost of electrical permits and licenses by 5 percent due to a positive fund balance. The permit reduction will be reduced for one year, the reduction for contractors, trainees, and telecom administrator licenses will be reduced for 2 years, and reduction for electricians will be reduced for 3 years.
- Reformatted and relocated certain technical sections to allow easier adoption by city jurisdictions.

COMMENTS RECEIVED	
<p>1. Comment Received Relating to this Rulemaking: When does a well driller/pump installer have to be a certified plumber/electrician or certified trainee plumber/electrician?</p> <p><u>Proposed Solution</u> The Department of Labor and Industries contractor registration program will have two different types of contractor registrations for well drillers vs. well driller/pump installers as follows:</p> <ul style="list-style-type: none">• Well drillers will only drill wells and not install pumps into well casings. Well drillers will not be required to be certified plumbers or certified electricians to do their well drilling work. They will not be allowed to install pumps into wells.• Well driller/pump installers will both drill wells and install pumps into the	<p>Department Response to Comment #1: The department will allow individuals who drill wells to be a registered contractor and not require them to receive their plumber certification or electrician license. They must be registered as a specialty contractor or general contractor, which requires the posting of a bond, and certificate of insurance. Since these individuals will not be certified plumbers or licensed electricians, they will not be able to install pumps or supervise the work of plumbing and electrical trainees involved in well drilling and pump installing.</p>

<p>well, plus be allowed to run plumbing to the structure and install pressurization, filtering and treatment equipment within a structure and also do electrical work within the scope of their electrical license as authorized by SB 6225. The following will apply to well driller/pump installers:</p> <ul style="list-style-type: none"> • At the time of applying for their contractor registration for well driller/pump installer, the contractor will be asked the name of their electrical administrator. If the contractor has an electrical administrator, the contractor shall be given a well driller/pump installer contractor registration. If not, they will be given a well driller contractor registration that will not allow them to install pumps into wells. • One person on all well drilling projects done by well driller/pump installer contractors will be required to be a certified plumber and certified electrician as set forth in SB 6225. • Those learning to do plumbing and electrical related to pump installation and thus engaged in doing some plumbing work and some electrical work will be required to have trainee cards. All hours that trainees are involved in well drilling and pump installing shall be counted toward the OJT hours required to qualify and to be certified in both plumbing and electrical for pump installers. • Those serving as helpers, i.e. working with drilling the well or moving supplies but not connecting pipes or installing wires or electrical equipment will not be required to have trainee cards. 	
<p>2. Comment Received Relating to this Rulemaking: Requiring all classes be a minimum of 8 hours.</p> <p><u>Proposed Solution</u> Clarification of WAC 296-46B-970(4)(b)(ii)(A) to read as follows (bold and italics indicates</p>	<p>Department Response to Comment #2: The department will make the recommended change.</p>

<p>revisions from rule as proposed by the Department):</p> <p>“The minimum allowed length of a class is two hours; however, the minimum length for a basic classroom electrical <i>trainee classroom</i> training or plumbing industry basic classroom <i>trainee classroom</i> training <i>class</i> is eight hours <i>that can be delivered in multiple classroom sessions of not less than two hours each.</i>-</p>	
<p>3. Comment Received Relating to this Rulemaking: Clarifying the definition of an 03 and 03A electrician</p> <p><u>Proposed Solution:</u> Revise the current definition of an 03 and 03A electrician in WAC 296-46B-920(2) to reflect the pump installer definition contained in SB 6225 to read as follows (bold and italics indicates revisions from rule as proposed by the Department):</p> <p>Pump and irrigation (03): Limited to the electrical connection of circuits, feeders, controls, low voltage, related telecommunications, and services to supply: Domestic <i>water systems and public water systems include but not limited to pumps, pressurization, filtration, treatment, or other equipment and controls,</i> and irrigation water pumps, circular irrigating system's pumps and pump houses. This specialty may also perform the work defined in (c) of this subsection. Also see RCW 18.106.010 (10)(c).</p> <p>(c) Domestic ((well)) <u>pump</u> (03A): Limited to the extension of a branch circuit, which is supplied and installed by others, to signaling circuits, motor control circuits, motor control devices, and pumps which do not exceed 7 1/2 horsepower at 250 volts AC single phase input power, regardless of motor controller output or motor voltage/phase, used in residential potable water or residential sewage disposal systems. <i>Domestic water systems and public water</i></p>	<p>Department Response to Comment #3: The department will make the recommended change.</p>

<p><u>systems include but not limited to pumps, pressurization, filtration, treatment, or other equipment and controls.</u></p>	
<p>4. Comment Received Relating to this Rulemaking: Do not require an electrical inspection inside a well cap due to health regulations to protect against well contamination.</p> <p>There were serious concerns raised by the well drilling/pump installing industry about electrical inspectors conducting inspections of electrical connections inside the well cap. Industry people presented copies of WA Department of Ecology regulations and WA Department of Health regulations that prohibit the opening of a well by a non-licensed well driller in order to protect against contamination of the well. Industry people showed examples of well caps commonly used and how an inspector can undo the wrong bolts and result in the pump dropping to the bottom of the well.</p> <p>The Department of Labor and Industries stated that it felt compelled to inspect the electrical connections inside the cap to ensure that the electrical connections properly ground and bonding the well casing. The Department indicated that it has found many incorrect connections in its past inspections.</p> <p><u>Proposed Solution</u> The resolution to this issue is:</p> <ul style="list-style-type: none"> • The well drilling/pump installing industry can propose multiple options to making the connections on the outside of the well that the Department will consider and will approve those it deems acceptable. This would eliminate the need for inspectors to open a well cap. • The Department will provide additional education to its inspectors on inspecting electrical connections inside a well cap to avoid both well contamination and undoing connections that will damage the well. 	<p>Department Response to Comment #4: No change to the proposed rule. The department must ensure the electrical connections are properly grounded and bonded to the well casing. The department will review well cap installation methods that are provided by the industry.</p>

5. Comment Received Relating to this Rulemaking:

Defining the work that a domestic pump laborer can do without having to be a certified plumber or registered plumbing trainee was discussed.

In the response from the Department following the 10/25/06 meeting with the Pump Installer TAG group, the Department stated, “In order to make it clear who is and who isn't a laborer, we will fully and clearly define plumbing work, so the industry knows what would be outside the scope and for what type of work a license is required. For electrical equipment this is already defined in WAC 296-46B-020(23).”

We suggest that the Department NOT attempt to define plumbing work but instead define, for the purposes only for the domestic pump installation, what a laborer can and cannot do. We make this recommendation for several reasons:

- First, WAC 296-46B-020(23) does not define the work that an electrician does as indicated by the Department, but instead defines electrical equipment. This will not address this issue of what a laborer can and cannot do and thus is no guidance.
- In attempting to define what a plumber does, the Department could easily run into many areas of conflict with utility installers, public works definitions, etc. Thus, the narrower the purpose of the definition, the better to avoid unintended consequences.
- Finally, there are things that laborers will do that plumber trainees also do and thus defining what plumbers do – meaning that laborers cannot do this – would fail to meet the goal of our discussion on 10/25/06.

Proposed Solution

Thus, we propose the definition of a laborer for the pump installation plumbing like the

Department Response to Comment #5:

No change to the proposed rule. We cannot make the requested change because WAC 296-400A-050 is not open at this time. The department agrees a labor may assist a certified plumber or properly supervised plumber trainee to help pull or install a pump into a domestic well casing. This action is also in direct conflict with the current electrical requirements. However, no plumber trainee hours will be credited for any work performed with out a valid plumber trainee card.

<p>following:</p> <p>WAC 296-400A-050 and adding a new subsection to read:</p> <p>(x) <u>Domestic Pump Laborer is a person who is not required to be a certified plumber or a registered plumber trainee and who can assist in all phases of well drilling and installing the well casing, well cap, and well seal, move plumbing materials associated with domestic pump installation around the job site, assist a certified plumber or registered plumbing trainee who is properly supervised to connect pipes, install pipes into the well or into the ground that are directly related to the work of the domestic pump specialty.</u></p>	
<p>6. Comment Received Relating to this Rulemaking:</p> <p>I am writing to express my opposition to the proposed WAC revision concerning septic and water system loads. WAC 296-46B-210(25) would allow two dwelling units to be supplied from either of the two dwelling units. I suspect this proposal came from owners and electricians who installed systems without complying with the requirement that the septic or water system be supplied by a separate service, and got caught, then had to change the installation to comply with the code. To them I say, not being aware of the law is not an excuse to break it. I, and other electrical contractors who keep ourselves informed, bid projects based on the code requirements, and do installations according to the law are being short-changed by this new proposed revision.</p> <p>If this revision is approved, some of the problems that our customers will encounter include:</p> <ol style="list-style-type: none"> 1. Paying electrical fees for another's electrical use. 2. Being without septic or water service if there is a fault within the electrical system causing the circuit to open, and no access to that electrical system. 3. Not having access to the equipment serving 	<p>Department Response to Comment #6:</p> <p>No change to the proposed rule. The statewide Department of Health and building authorities allow two dwelling units to share septic and water system loads. However, this contradicts the electrical code. The same technical issues remain regardless of where the source of power is derived from. The proposed WAC rule change allowing a common well or septic installation to be fed from a single dwelling will align the electrical requirements with the building and health department guidelines statewide and will eliminate confusion for installers and owners that exists because of the current differences in requirements.</p>

the system.

4. Being charged for electricity consumed by systems that run continuously due to a mechanical fault, without the knowledge of the billed party.
5. Not having septic or water service due to the cut-off of electrical service to the serving tenant.

I could go on. These are some of the most glaring examples that I think you should consider before allowing this revision to take place.