

Received 2/25/2021 Bellingham - GWP



BRINDERSON
an AEGION company

Brinderson, LLC
235 North Hill Road
Burlington, WA 98233
Tel: 360.488.4756
www.brinderson.com

Teri Gardner 2-25-2021

February 25, 2021

VIA FEDERAL EMAIL (pega235@LNI.WA.GOV)

The Washington State Apprenticeship and Training Council (WSATC)
CO - Gary Peterson
PO Box 44530
Olympia, WA 98504-4530

Re: Brinderson LLC IMM Apprenticeship Program Standards - Request for variance to six-month rule for existing Journey Level employees

Dear Council Members:

By this letter, Brinderson requests a variance to the registration and participation requirements of WAC 296-05-003 that were reinstated in the summer of 2020. Specifically, the rule requires that an apprentice must have been registered with the department and an active participant of a committee's program for at least six months to be eligible for a certificate of completion.

On January 22, 2021, the Council approved a provisional registration of Brinderson's Standards of Apprenticeship for Industrial Maintenance Mechanic (IMM). As of the date of this request, Brinderson has been unable to enroll participants in its IMM Apprenticeship Program as a final written order has not been issued by the Council. The term of Brinderson's IMM Apprenticeship Program is 8,000 hours of reasonably continuous on the job training. Significantly, WAC 296-05-003 defines "journey level" as "an individual having sufficient skills and knowledge of an occupation to be recognized by a state or federal registration agency and/or an industry as being fully qualified to perform the occupation. An individual can be fully qualified either through formal apprenticeship training or practical on-the-job work experience equal to or greater than the term of apprenticeship."

With the approval of Brinderson Apprenticeship Program Standards, it is important to the development of the program that Brinderson be able to provide the opportunity for its experienced, skilled, and trained journey level workers to obtain a certificate of completion.

In addition, for Brinderson to achieve compliance with the requirements of RCW 49.80, Brinderson requires the ability to graduate experienced, skilled, and trained journey level workers from its approved IMM Apprenticeship Program.

The majority of Brinderson's current IMM journey level workers already exceed the 8,000-hour on the job training requirement. Many of Brinderson's employees have worked in refineries for many years and, because of their training and experience, have embraced the Brinderson safety culture. Annually,

Brinderson continues to achieve a Total Recordable Incident Rate (TRIR) below the industry average of .37.¹

As it stands now, Brinderson will not have enough time (less than six months) from the date the Council issues its written final order approving Brinderson's IMM Apprenticeship Program to then enroll and graduate Brinderson's experienced, skilled, and trained journey level workers from its Program before the Department of Labor and Industries Division of Occupational Safety and Health's (DOSH) enforcement grace period expires on May 31, 2021.

For the above reasons, Brinderson requests an exemption from the six-month registration and participation requirements of WAC 296-05-003 for Brinderson's current journey level workers who are fully trained, have more than 8,000 hours of on-the-job experience and are safely performing journey level IMM work. This variance would allow our IMM program committee to grant the credit as defined in our advanced standing policy to IMM journey level workers. Each employee enrolled in the program that provides a written request for previous experience credit, will provide the appropriate records to substantiate the experience and will be acknowledged by the committee. All such documentation related to training and testing, education, skill assessment, and experience history will be maintained by the program administrator and committee and will be made available upon request.

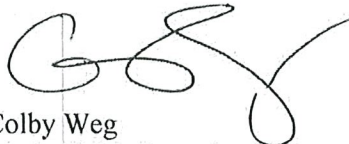
Brinderson timely applied for approval of its IMM apprenticeship program in August 2019 and has made every effort to obtain approval of its program and achieve compliance with RCW 49.80. The approval process has been prolonged because of delays caused by the COVID-19 pandemic, including having to carry out the objection hearing process virtually, rather than in person. Through it all, Brinderson, has not wavered from its commitment to gaining approval of its Program and operating its Program in a compliant manner. Granting Brinderson this variance request will allow it to achieve compliance with RCW 49.80 while graduating experienced, skilled, and trained journey level workers from its Program.

Thank you for your consideration and please let me know if you need additional information regarding this request.

Sincerely,



Mike Castillo
Sr. Training Manager
Aegion Energy Services



Colby Weg
Chair, IMM Committee
Brinderson, LLC

¹ Per the American Fuel Petrochemical Manufacturers (AFPM).

From: [Peterson, Gary W \(LNI\)](#)
To: [LNI RE Apprentice](#); [Robbins, Jody M \(LNI\)](#)
Subject: FW: [EXTERNAL]WSATC Agenda Update
Date: Friday, March 12, 2021 10:09:50 AM

Good Morning: Please review the below email from the proposed Brinderson LLC apprenticeship.
Thank you,

Gary

Gary Peterson
WA. State Labor & Industries
Apprenticeship Consultant
360-701-7140

From: Rhett Dixon <rdixon@aegion.com>
Sent: Friday, March 12, 2021 10:06 AM
To: Peterson, Gary W (LNI) <pega235@LNI.WA.GOV>; Colby Weg <cweg@aegion.com>
Cc: Robbins, Jody M (LNI) <rojo235@LNI.WA.GOV>
Subject: RE: [EXTERNAL]WSATC Agenda Update

External Email

Gary,

We would request that our previously submitted Variance letter request remain on the April agenda for consideration by the Council.

Thanks,
Rhett

From: Peterson, Gary W (LNI) <pega235@LNI.WA.GOV>
Sent: Friday, March 12, 2021 10:02 AM
To: Colby Weg <cweg@aegion.com>; Rhett Dixon <rdixon@aegion.com>
Cc: Robbins, Jody M (LNI) <rojo235@LNI.WA.GOV>
Subject: [EXTERNAL]WSATC Agenda Update

Good Morning Colby/Rhett: As per our ZOOM meeting this morning, Jody stated that the Brinderson Variance Request was currently proposed to be on the April 2021 WSATC meeting agenda. Did you want the Variance Request to remain on the April agenda or would you prefer it to be removed for action at a later WSATC meeting? Please let me know as we are close to the deadline publish date.
Thank you,

Gary

Gary Peterson
WA. State Labor & Industries
Apprenticeship Consultant
360-701-7140

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Teri Gardner 3-15-2021

March 15th, 2021

VIA FEDERAL EXPRESS AND EMAIL (pega235@LNI.WA.GOV)

The Washington State Apprenticeship and Training Council (WSATC)
CO - Gary Peterson
PO Box 44530
Olympia, WA 98504-4530

Re: Written Confirmation of Notice of Acceptance of Conditions

Dear Council Members:

This letter provides you written confirmation of the intention of Brinderson LLC (as sponsor) to accept the conditions imposed upon the program previously known as Brinderson Industrial Maintenance Mechanic, and upon signature of the Order of the Washington State Apprenticeship Council, confirming its decision on January 22, 2021 to approve provisional registration of this program under the name Industrial Maintenance Mechanic - Petroleum Refinery. Brinderson accepts the following conditions as stated on January 22:

- o During the provisional period confirm to the Council that the 50% of the committee has journey level status.
- o The program coordinator shall reside in Washington State.
- o The Occupation name shall be "Industrial Maintenance Mechanic-Petroleum Refinery"
- o The Ratio of apprentices to journey level workers shall be 1 apprentice to 3 journey level workers for safety reasons.
- o The program will have to adjust its RSI to accommodate the "advanced safety training" curriculum as required by "HB 1817". The Department and the Council have not approved this curriculum yet.
- o RSI shall be carried out at facilities controlled by the program sponsor not at client facilities.
- o The Work processes shall be revised as described below.

Work Processes

<u>Hours</u>	<u>Description</u>
300	Prepare Job hazard analyses and provide safety watch
1000	Perform maintenance on machinery and equipment
1000	Dis assemble and re assemble piping components
2000	Remove and replace exchangers, vessels, pumps, and equipment
1400	Perform Service on vessels, tower internals, fin fans, and coolers
600	Perform rigging and signaling
400	Perform Demolition
500	Perform oxy fuel cutting
800	Operate forklifts, extend a boom, and bundle trucks
8000	<hr/> Total OJT

As we have notified, through our counsel, to the counsel for the WSATC, Brinderson LLC accepts these conditions and preparations for the implementation of the program, with these changes are already underway.

We trust the WSATC will file its written Order as soon as possible and no later than the law allows. Brinderson and its industrial maintenance mechanics are eagerly awaiting the Order so that the program may be properly registered.

Sincerely,


Rhett Dixon, VP
Brinderson, LLC


Colby Weg, Committee Chair
Brinderson, LLC

Cc: Members, Brinderson IMM Apprenticeship Committee
Chris Sanders
Barry Johnsrud