

# TRADESMAN AND EDUCATION COMMITTEE MEETING

## MINUTES

The Tradesman and Education Committee met on Wednesday, February 11, 2004 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present.

James Hollar, Chairman  
Anthony R. Orange, Vice Chair  
Robert M. Kirby  
Michael D. Redifer

Robert O. Burch, Jr. did not attend the meeting.

The following members of DPOR staff were also present during some or the entire meeting:

Eric L. Olson, Executive Director, Contractors  
Kimberly Freiberger, RBA, Contractors  
Sheila Watkins, Administrative Assistant, Contractors

Chairman James Hollar called the meeting to order at 10:10 a.m. and declared that a quorum of board members were in attendance.

**Call  
To Order**

Chairman Hollar asked the members of the public whether they had any comments.

**Public  
Comment**

There were no public comments.

Kim Freiberger updated the Board on her contacts with the Washington Suburban Sanitary Commission (WSSC) trying to work out an agreement for reciprocity for Plumbers and Backflow Device Workers. Contact has been made with a representative from the WSSC; however, there has been little success in establishing a reasonable time for all the parties to meet for discussion. The Board responded they wanted to pursue this actively and they don't wish to give up.

**Reciprocity  
Update**

Question for Lori Crigler, representative for PMPV, from Anthony Orange (Board Member), "How would the reciprocity benefit your organization?" Answer, "Northern VA contractors would benefit greatly as our VA people do work in Delaware, DC, and Maryland. Crigler offered assistance for setting up a meeting with the WSSC organization. Olson suggested setting up a meeting by offering a letter to suggest 3 dates for the meeting and see what the response will be from the WSSC

organization. DC is not included in the request.

Hollar suggested that staff consider contacting a representative from the DC area to begin working on a possible agreement for reciprocity with that territory as well.

Mr. Aurolia David addressed the Board. David wants to obtain a HVAC license and in his opinion he does not need to take the masters exam. David wants to do repair work in the residential areas – repair and maintenance work only, he does not want to install new units. Hollar stated, “You are required to have a license.” Orange stated, “What does HVAC repair include?” David feels he does not need to know code to do repair. Olson stated, “Mr. David is alluding to the fact that the journeyman exam includes code and is not as detailed as the masters exam, which includes design. David is requesting a special category be created that would cover testing for the repair and maintenance people. Redifer suggested that David pursue this notion with the general assembly, which in turn, would allow the committee to address this issue further.

**HVAC Exam**

Redifer motioned and it was seconded by Kirby that individuals who are licensed as tradesman by the Board are permitted to perform any and all work outlined in their respective code (i.e. International Plumbing Code, National Electrical Code, etc...) The Board adopted this with a unanimous vote.

Eric Olson addressed the committee concerning correspondence received by the Board for Contractors on **installation of fire places and chimneys**. Questions received are concerning flues and chimneys and the replacement of liners. Gas fitters must do gas work Redifer moved that the staff recommendation be accepted. Seconded by Kirby. Unanimous vote for the following Staff recommends that the final determination of incidental remain with the building official. Short of passing off the entire burden to the locality, a further recommendation is that the building officials consider a position that ALL gas fitting work should be completed by the appropriately licensed contractor and that a simple connection of a stove to an existing flue could be completed by the non-trade related contractor.

**Policy Review**

**Incidental Gas Fitting:** Olson discussed what is considered incidental gas fitting and included gas connections, changing out a dryer when no inspection is needed, or if the individual is just changing out the equipment. Redifer stated, “An electric water heater requires no permit, however, a gas water heater or oil heater requires you to have a permit. Board unanimously voted that “No gas fitting work is incidental” and that the appropriate gas fitting license is needed to do any gas related work.

**Mold remediation in HVAC systems:** Hollar mentioned that problems of mold seem to be involved mainly with roof and window leaks and it gets into the structure of the building. Orange asked, "Is this something that's cropped up recently?" Lori Crigler added, "It's all over the country, there are building materials being used that are susceptible to mold". The Committee members had additional discussion concerning what is considered the cleaning or disposal of mold, compared to the repair or maintenance of mold when "breaking into the duct work". Hollar only wants to deal with identification and not remediation. Redifer motioned that if you "break" into duct work you would be required to hold a current HVAC license. Seconded by Kirby and adopted with a unanimous vote.

The Board had a discussion on what is considered **routine maintenance?** Historically, the Board has recognized an emergency call and non-routine maintenance on HVAC as work that does not require a written contract. However, if you have to get a permit, then you need a contract. If you don't have to get a permit you don't need a contract. The Board concluded that the current policy in place does not need amended and no action was deemed necessary at this time.

**Practical Experience:** Tradesman Regulations refer to practical experience in numerous places of eligibility requirements, however, "practical experience" is not defined anywhere in the regulations or statutes. Olson, suggested that the Committee adopt a definition and to include this definition in the Tradesman Regulations. Hollar stated, "Maryland requires your experience to be under a license holder who obtained their license by exam". Redifer wants staff to draft the language and bring it to the Committee. Redifer motioned, and Orange seconded the following: practical experience is that experience obtained under the supervision of a tradesman licensed in that applicable trade. Unanimous vote.

**Revisit Balancing:** Balance is making sure that the air is being circulated as the system is designed. Discussion on air to the register vs. duct work. The currently policy in place is that individuals that perform testing and balancing (using the controls on the registers) do not need HVAC, however, when they "break" into the ducting work, or go beyond the register, they are required to have HVAC. The Board deemed that no action is required on this policy at this time.

**Sheet Metal Workers:** Kirby suggested that Home Improvement Contractors (HIC) and Commercial Improvement Contractors (CIC) should not be allowed to install ductwork. Olson lead the discussion on

recent questions that staff has received involving sheet metal manufacturers who want to install their own equipment without holding an HVAC license, yet, installing under the supervision of HVAC person. Redifer suggested leaving the current policy in place as is and require that the installer must be licensed in HVAC. Orange seconded. Unanimous vote.

**Medical Gas:** Olson noted that there have been several new calls coming into staff regarding the installation of medical gas. NFPA 99 in the international Plumbing code covers medical gas installation. Redifer asked, "Are plumbing contractors sub contracting out work to licensed contractors?" Kirby added that once a system is put in (referring to medical gas piping and lines) then it must be inspected and certified by a certified inspector. The contractor then gives the certificate to the hospital and the hospital maintains this record of inspection. The inspector gets the qualifications to inspect and certify from an approved or recognized 3<sup>rd</sup> party organization. Currently, the Board for Contractors regulations and statutes don't include medical gas fitting as its own specialty; plumbing covers medical gas at this time. Only a licensed plumber in VA can provide medical gas services. Kirby offered a motion to move that no action be taken at this time to change or amend this policy. Seconded by Orange. Unanimous vote and adopted.

Anthony Schultz of Nicholson Sprinkler updated the Committee on the situation they are experiencing pulling backflow permits in the City of Richmond.

**Anthony Schultz**

The NOIRA (Notice of Intent for Regulatory Action) has been approved. Feb 23<sup>rd</sup> is the publish date for Town hall and this will begin a 30 day public comment session.

**Regulatory Review**

The Committee was provided a copy of the meeting schedule for 2004, which had been previously approved by the Board for Contractors at their October 8, 2003 meeting. It is possible that, due to regulatory review or action taken during the upcoming legislative session, other meetings may be added to the schedule. The next scheduled meeting of the Committee is Wednesday, February 11, 2004.

**2004 Committee Meeting Schedule**

**There was no old business to discuss.**

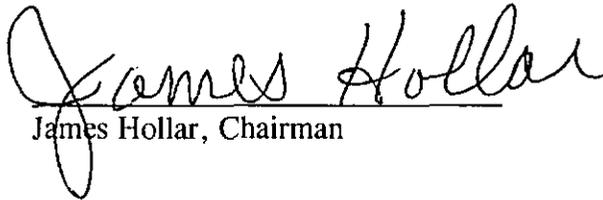
**Old Business**

**There was no new business to discuss.**

**New Business**

**There being no further business to discuss Orange offered a motion seconded by Redifer to adjourn at 12:00 PM. The vote was unanimous. Members voting "yes" were: Hollar, Orange, Redifer and Kirby.**

**Adjournment**

  
James Hollar, Chairman

**Copy teste:**

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Custodian of the Record

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTEREST ACT**

1. Name: James A. Hollar
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: Tradesman and Education Committee Meeting
5. Nature of Personal Interest Affected by Transaction:

CMH Inc. PLB. HVAC, Elect.

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6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

NVPMCA, ACCA, PHCC

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- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

James A. Hollar  
Signature

February 11, 2004  
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Robert M. Kirby
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: Tradesman and Education Committee Meeting
5. Nature of Personal Interest Affected by Transaction:

PRESIDENT - D.E. KIRBY, INC.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D.E. KIRBY, INC., BUILDERS & CONTRACTORS EXCH.

AGC OF VA.

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Robert M. Kirby  
Signature

February 11, 2004  
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Anthony R. Orange
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: Tradesman and Education Committee Meeting
5. Nature of Personal Interest Affected by Transaction:

N/A

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6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

T.B.E.W.

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- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
Signature

February 11, 2004  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTEREST ACT**

1. Name: Michael D. Redifer
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: Tradesman and Education Committee Meeting
5. Nature of Personal Interest Affected by Transaction:  
  
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6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VBLOA VPMJA NFPA ILL IAET

\_\_\_\_\_

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
\_\_\_\_\_  
Signature

February 11, 2004  
Date