

Contractors Board

PRE-NOIRA CHECKLIST EXPLANATION SHEET

1. Reasons for the Proposed Regulations (satisfies 1.b of the Pre-NOIRA section of EO25, Potential Issues)

The reason for this pre-NOIRA is to amend the existing Tradesmen Regulations to implement House Bill 2536 (1997), and House Bill 2280 (1999), now statute. House Bill 2536 adds, "liquefied petroleum gas fitter" as a stand-alone trade. House Bill 2280 adds Natural Gas Fitter Provider as a stand-alone trade.

The Board for Contractors, in the process of revising the current regulations governing this program under the authority of Section 9-6.14:4.1 C 5 of the Administrative Process Act of the Code of Virginia, must consider the implications for the current tradesman programs in implementing House Bill 2536 (1997) and House 2280 (1999). Separating these trades from their current connections with Plumbing and HVAC trades will necessitate careful consideration of the differences between these trades.

Because of the amount of time involved in promulgating regulations, it would be beneficial to regulants as well as administratively cost effective, if the Tradesmen Regulations implementing the Liquefied Petroleum Gas Fitter and the Natural Gas Fitter Provider could be approved at the earliest possible date. By combining the implementation of these two programs, costs associated with printing and mailing of materials to approximately 29,000 regulants and other interested parties, would bring forth a significant reduction in costs.

2. Legal Authority/Mandate (satisfies 1.a. of the Pre-NOIRA section of EO25)

The statutory authority for promulgation of regulations by the Board for Contractors is found in Section 54.1-201, 54.1-1102, and 54.1-1128-1135 of the Code of Virginia (1950) as amended. The Board for Contractors is empowered to establish regulations setting standards for the regulation of contractors and tradesmen wishing to practice in the Commonwealth. Attached is the approved version of House Bill 2536 (1997), and House Bill 2280 (1999), now statute, which directs that liquefied petroleum gas fitter and Natural Gas Fitter Provider become stand-alone trades.

3. Statement of Essential Nature (satisfies 1.c of the Pre-NOIRA section of EO25)

These regulations are essential to comply with statute and to adopt the less burdensome alternative allowed.

By statute, the Tradesman Certification Program was transferred from the Department of Housing and Community Development to the Department of

Professional and Occupational Regulation/Board for Contractors on July 1, 1995. House Bill 2536 (1997) added “liquefied petroleum gas fitters” as a stand-alone trade. House Bill 2280 (1999) added “Natural Gas Fitter Provider” as a stand-alone trade. This established the gas fitters, as a separate part of the group deemed most dangerous in the construction field to the health, welfare and safety of the citizens of the Commonwealth of Virginia. Therefore, the establishment of reasonable standards of knowledge, training and experience for those who practice the trade is of direct benefit to the citizens and to the industry. Setting up of gas fitters as a separate trade will also allow the expanding gas industry to develop without having to meet the training and testing requirements of either plumbing or HVAC work.

4. Statement of Alternatives Considered (satisfies 1.d of the Pre-NOIRA section of EO25)

The purpose of this pre-NOIRA is to initiate action to successfully implement House Bill 2536 (1997) and House Bill 2280 (1999), now statute.

The Board for Contractors has established an Advisory Committee, which comprised of regulators and practitioners of the business under the guidance of a member of the Board for Contractors who is most involved with this trade. The committee will be reviewing the existing tradesmen regulations for applicability to the newly legislated trades, and considering what new provisions if any will be required. The Committee will be reminded of the provisions of Executive Order Twenty-Five (98) with regard to developing the least burdensome implementation instructions possible in compliance the new statute.

The Committee will present Proposed Regulations to the Board as soon as possible. The Board for Contractors intends to hold public hearings in various areas of the Commonwealth in order to solicit suggestions and comments from the public and the industry on the proposed regulations. The Board will carefully consider each provision of regulation in light of any practical alternative that could prove less burdensome, relying heavily on the public comments received.

5. Statement of Impact on Families

The contemplated changes are expected to have no impact on families.

SUPPLEMENTAL SHEET
TRADESMAN PRE-NOIRA PACKAGE

SEPTEMBER 8, 1999

1. As stated in our Pre-NOIRA package dated August 10, 1999, the Tradesman Rules and Regulations for the Board for Contractors require a review to accomplish the following:
 - Add the Liquefied Petroleum (LP) Gas Fitter as a stand-alone trade (House Bill 2536) (1997), now statute.
 - Add the Natural Gas Fitter Provider as a stand-alone trade (House Bill 2280) (1999), now statute.
 - Other changes which may be necessary pursuant to the Board's periodic review of its regulations.
2. **LP Gas Fitter.** A pre-NOIRA had been submitted last year to implement this trade as required by statute. However, during the 1999 session of the General Assembly, another stand alone trade namely the Natural Gas Fitter Provider was approved. Due to the fact that both new trades were associated with gas fitting, it was determined to be prudent and cost effective to work both together in the same regulatory package. Simply put, the recently submitted pre-NOIRA for LP gas fitters replaces the one submitted last year and needs to be approved so that regulations can be put into place to implement this program.
3. **Natural Gas Fitter Provider.** This stand-alone trade came out of the 1999 General Assembly session. Its close association with the LP Gas Fitter makes it beneficial to work the implementation of both stand-alone trades together in the same regulatory package. Simply put, the recently submitted pre-NOIRA, which includes the Natural Gas Fitter Provider needs to be approved so that regulations can be put into place to implement this program.
4. **Periodic Review.** The current Tradesman regulations underwent its last thorough periodic review and change as of July 1, 1997 with only the Backflow Prevention Device Worker implementation in these regulations effective July 7, 1999. According to EO 25, there is to be a periodic review of existing regulations at least once every three years. Although three years have not yet passed since the last revision, it is considered prudent and cost effective to conduct a review of the regulations at the same time that the gas fitting trades are being worked for implementation. This periodic review is not anticipated to be extensive, but necessary only to accommodate any necessary housekeeping requirements that come to light during the gas fitting implementation work. The result of this review should be more easily understandable, less burdensome regulations.