

**IDAHO PLUMBING BOARD
VIDEOCONFERENCE MEETING**

Thursday – May 12, 2011 – 9:30 a.m. (MT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian, Idaho
1250 Ironwood Drive, Suite 220, Coeur d’Alene, Idaho
2055 Garrett Way, Building 2, Suite 7, Pocatello, Idaho**

*NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting,
but is intended to record the significant features of those discussions.*

Chairman Milford Terrell called the meeting to order at 9:34 a.m. (MT).

Board Members Present:

Milford Terrell, Chairman
Dan Long
Gordon Smythe
Matt Gardner

DBS Staff Members Present:

C. Kelly Pearce, Administrator
Steve Keys, Deputy Administrator, Operations
Janice Foster, Deputy Administrator, Administration
Patrick Grace, Deputy Attorney General
Kirk Weiskircher, Financial Manager
John Nielsen, Plumbing Program Manager
Chris Jensen, Regional Manager, Eastern Idaho
Rod Freligh, Plumbing/HVAC Supervisor, Northern Idaho
Renee Bryant, Administrative Assistant 2/Board Secretary

◆ **Open Forum**

Proposed 2009 ISPC – Two letters were read by IDABO President Charles Allen. The first letter, dated May 3, 2011, was addressed to the members of the State Plumbing Board and requested time on the agenda to discuss the following: state plumbing code issues; clarify inaccurate information recently highlighted during the 2011 legislative session; and invite the Board to join a working group to meet regularly during the summer months to come to a conclusion before draft legislation is due in August 2011.

The second letter, dated May 11, 2011, was addressed to Mr. Pearce, Mr. Terrell, and members of the Board. Mr. Allen expressed interest for all parties to work together to achieve a consensus with the proposed legislation, chastised DBS and the Board for the lack of meeting notifications and non-meaningful descriptions on the agendas, and reiterated the formation of a working group to formulate proposed legislation.

Chairman Terrell provided Mr. Allen with the 2011 Board Meeting Calendar and invited him and IDABO constituents to attend any and all Plumbing Board meetings. Mr. Allen acknowledged Administrator Pearce’s e-mail letter dated May 10, 2011, and accepted the Division’s request for IDABO leadership to designate two official representatives to attend each of the four major regularly scheduled DBS Board meetings (Electrical, Plumbing, HVAC, and Building). Richard Bigelow, IDABO board member, came forward in support of Mr. Allen’s position on the issue.

2010 Green Plumbing and Mechanical Code Supplement – Pete Crow, IAPMO, chose to speak on the subject “2010 Green Plumbing and Mechanical Code Supplement” when presented as an informational item on the agenda.

International Green Construction Code (IGCC) – Kraig Stevenson, ICC, briefly highlighted on a few aspects of the IGCC’s booklet *Water Efficiency Provisions*.

Chairman Terrell provided Mr. Stevenson with a copy of the 2011 Board Meeting Calendar and encouraged him to contact DBS staff to be placed on a future Plumbing Board meeting agenda.

Plumbing Commercial Kitchens – It was noted after plumbing inspections have been completed the health department in northern Idaho informs the plumbers they have to indirect waste the 3-compartment sink regardless of the type of job.

The Board has no control over the health department, which has its own rules and regulations. It was suggested drawings be reviewed by the health department prior to the commencement of the job.

◆ **Approval of May 12, 2011 Agenda**

IDABO representatives were given the option to address the topic “Proposed 2009 ISPC” under Open Forum or action item six “Proposed 2009 ISPC” of the agenda. The option chosen was Open Forum. Chairman Terrell asked for a motion to remove action item six (6) from the agenda.

MOTION: Matt Gardner made a motion to accept the May 12, 2011 Agenda as presented with the removal of action item six “Proposed 2009 ISPC”. Dan Long seconded. All in favor, motion carried.

◆ **Approval of February 10, 2011 Board Meeting Minutes**

MOTION: Matt Gardner made a motion to approve the February 10, 2011 Board Meeting Minutes as written. Dan Long seconded. All in favor, motion carried.

◆ **Approval of February 18, 2011 Special Board Meeting Minutes**

MOTION: Dan Long made a motion to approve the February 18, 2011 Special Board Meeting Minutes as written. Gordon Smythe seconded. All in favor, motion carried.

◆ **Approval of March 2, 2011 Special Board Meeting Minutes**

MOTION: Dan Long made a motion to approve the March 2, 2011 Special Board Meeting Minutes as written. Gordon Smythe seconded. All in favor, motion carried.

◆ **Criteria for Continuing Education Providers**

The topic “Fee for Continuing Education Providers” was addressed at the April 2011 Idaho Electrical Board meeting. No formal action, in terms of approval of fees, was taken; however, the Electrical Board agreed to place the topic on the July 19, 2011 Idaho Electrical Board Meeting Agenda as an action item.

MOTION: Dan Long made a motion to approve the proposal before the Board for DBS to promulgate a rule establishing criteria for approval of instructors and courses of instruction for plumbing contractors and journeymen continuing education requirements. Matt Gardner seconded. All in favor, motion carried.

As directed at the February 2011 Board meeting, Patrick Grace presented an alternative motion. For consistency, should the Electrical Board choose not to adopt the fee, the Plumbing Board would decline to impose fees as well.

SUBSTITUTE MOTION: Milford Terrell read the following substitute motion: “To approve the proposal before the Board for DBS to promulgate a rule establishing criteria for approval of instructors and courses of instruction for plumbing contractors and journeymen continuing education requirement with the condition that if the Electrical Board decides not to impose a fee for the approval of said providers the Plumbing Board would likewise remove the fee in the interest of the consistency amongst the trade.” Gordon Smythe seconded. All opposed, motion failed.

With the failure of the substitute motion, the Board voted and unanimously approved the first motion.

◆ **Pre-Apprenticeship Course**

Rosie Rosco, CWI, reiterated a pre-apprenticeship course will be offered in the fall of 2011. The one-semester course will allow individuals an opportunity to learn the basics of the construction trade. The pre-apprenticeship course is essentially the same as the first semester of the apprenticeship program. CWI would like the Board’s support to allow the hours of the pre-apprenticeship course to count towards the required 144 hours of required schooling for an apprentice, should the individual choose to continue in the plumbing trade.

◆ **AQUS**

AQUS is a small scale water reuse system for flushing a toilet. Dave Poe with Braley Gray and Associates, representing Sloan Valve, came before the Board to inquire what would be required to install the AQUS system in the state of Idaho.

The 2003 UPC specifically prohibits reclaimed systems in residential installations; only allowing it on commercial property. The 2009 code does not specify commercial or residential; therefore, the product meets all standards.

It was suggested, and Dan Long offered, to test the system and report back to the Board at the July meeting his findings. The city of Moscow will consider testing the unit as well. All units will be returned to Mr. Poe after an acceptable testing period.

ACTION: At the July Board meeting, Dan Long will provide a report on his findings of the AQUS system.

◆ **Aquatherm**

Jim Paschal, representing Aquatherm introduced the product as a fiberglass Polypropylene pipe used in potable water systems. For clarification, the information provided in the Board packet to the Board is not certified by UPC and does not have the shield seal. Therefore, no action can be taken by the Board until the product receives the appropriate seal. John Nielsen explained the difference between “shield” and “triangle” seals in regards to code standards and listings.

Until further notice, individuals must appeal to the Board for possible use of the product “Aquatherm” on any job.

The Board agreed to continue to study the product, with occasional updates from representatives of Aquatherm.

◆ **SureSeal Inline Floor Drain Trap Sealer**

SureSeal is a barrier type trap seal protection device. Upon the conclusion of a presentation to the Board, Don Huber with SureSeal asked the product be approved to use in conjunction with the trap primers until a decision has been made to use it in lieu of the trap primer.

The Board unanimously consented to continue the study of the product and provide an answer to Mr. Huber at the July Board meeting.

ACTION: The topic “SureSeal” to be addressed at the July Board meeting.

◆ **Schooling Update**

Irene Vogel, PTE, was unable to attend the meeting. The topic “Schooling Update” will be addressed at the July 21, 2011 Agenda.

ACTION: The topic “Schooling Update” will be placed on the July 21, 2011 Agenda as an informational item.

◆ **Appliance Specialty License (Water Softener Installers) Subcommittee Report**

Due to scheduling conflicts, Matt Gardner was unable to coordinate a meeting with Blake Jones with Culligan to discuss the possibility of an Appliance Specialty license. At the request of Chairman Terrell, the topic “Appliance Specialty License” will be pulled from future agendas until such time he receives affirmative correspondence from the water softener industry.

◆ **Exam Development Subcommittee Report**

On tab 12 “Exam Development Subcommittee Report”, an error was noted in the second sentence of the second paragraph under “Background”. The original sentence read, “The practical would consist of successfully plumbing seven (7) fixtures, to include a hot water heater.” A water heater has cold, not hot water. The word “hot” was removed from the sentence to properly read in part, “...to include a water heater.”

Gordon Smythe provided a brief summary of the Exam Development Subcommittee meeting held in April. Due to the fact the ISPC, based on the 2009 UPC, did not pass the 2011 legislature, Chairman Terrell requested the topic “Exam Development Subcommittee Report” be pulled from future agendas.

John Nielsen explained current DBS employee Caria Jensen was promoted to Program Specialist. She will assume responsibility for managing the relationship with the Division’s testing vendors, and coordinating the CEU program with the Division’s program managers. Her long-term responsibility will be managing and developing tests so the Division can administer its own testing program for licensing.

◆ **Adoption of the 2010 Green Plumbing and Mechanical Code Supplement**

The Board unanimously agreed to continue the examination of all “green” code supplements.

Pete Crow, IAPMO, provided additional documentation highlighting the development of the code and 2010 Green Plumbing and Mechanical Code Supplement. Should the Board assign the review of the supplement to a committee, Mr. Crow offered his assistance.

Kraig Stevenson, ICC, was offered an opportunity to address the Board in regards to the International Green Construction Code.

◆ **Plumbing Contractors Renting Their Licenses**

The current rules do not prohibit a licensed plumbing contractor from renting his license. Although anyone can pull a permit on the license, the licensed contractor is still responsible for actions taken under the license.

Discussion was opened to the public for comments/suggestions. The majority agreed for restrictions to the renting of a contractor license.

The Board supported John Nielsen continue to research options to restrict the use of the license; coming back to the July meeting with additional information.

ACTION: The topic “Plumbing Contractors Renting Their Licenses” will be placed on the July Board meeting agenda as an informational item.

◆ **Pre-Apprenticeship Course and Testing Upon Completion of Apprenticeship Schooling**

Chairman Terrell requested items six (6) “Pre-Apprenticeship Course” and 13 “Testing Upon Completion of Apprenticeship Schooling” be addressed simultaneously.

With the current economic conditions, many apprentices are unemployed. Gordon Smythe suggested the Board consider amending the rule to allow apprentices to take the written portion of the journeyman exam upon completion of the schooling required without the required 8,000 hours of work experience. However, to be eligible to take the practical exam, an apprentice would have to fulfill the 8,000 hour requirement.

The apprentice registration is five (5) years with no restrictions on renewal. Should an apprentice renew the registration and receive the journeyman license during that period, the Division has agreed the remaining registration fee would be applied toward the journeyman license.

The Board requested the Division create a proposed rule change to be reviewed for possible approval at the July Board meeting.

ACTION: DBS will bring to the July meeting a draft rule proposal as an action item.

The Board has already approved the Pre-Apprenticeship program, which is the first half of the first year of the Apprenticeship program.

The Board unanimously consented to continue to look at the Pre-Apprenticeship program.

ACTION: The topic “Pre-Apprenticeship Program” will be addressed at the July meeting as an informational item.

◆ **Out-of-State Journeyman or Master Plumber Registration**

Out-of-state journeymen and master plumbers have been working in Idaho as registered apprentices; however, have not been in compliance with the schooling requirements of Idaho.

A proposal was presented to the Board where a journeyman or master plumber, in any recognized jurisdiction, would be required to disclose licensure history and provide sufficient proof to qualify for a journeyman license to work in Idaho. The Board was in agreement; however, expressed a penalty clause should be included in the proposal.

At the request of the Board, the Division will incorporate a penalty clause into the proposed rule; bringing the draft proposal to the July 21st Board meeting as action item.

ACTION: As an action item for the July 21, 2011 Board meeting, the Division will include a penalty provision in the proposed rule.

◆ **2009 Uniform Solar Energy Code**

Chairman Terrell asked DBS staff to continue to study the code; bringing the topic “2009 Uniform Solar Energy Code” to the July meeting as an action item.

ACTION: The topic “2009 Uniform Solar Energy Code” will be brought back to the July 2011 Board meeting as an action item.

◆ **Plumbing Program Manager Report**

Compliance – John Nielsen and Janice Foster created a committee to explore the possibility of a statewide compliance program. Meetings were held with senior management and inspectors. For the July meeting, Mr. Nielsen will present a report to see which direction to go with compliance.

ACTION: At the July Board meeting, John Nielsen will provide a report on options for compliance in Idaho.

Commercial Jobs – I.C. §54-2602(1)(e) “Exceptions” – “Working on plumbing systems on premises owned or operated by an employer who regularly employs maintenance or construction plumbers, provided that alterations, extensions and new construction shall comply with the minimum standards and rules applicable to plumbing practices provided by this chapter.”

The way I.C. §54-2602(1)(e) “Exceptions” reads, a commercial property owner who regularly employs maintenance/construction personnel can have the employees work, in all fashions of plumbing, on the property and is not required to hire a licensed plumbing contractor.

According to Milford Terrell, the intent of the statute was for maintenance/construction personnel to maintain the equipment on site, not change out fixtures. For the July Board meeting, Mr. Terrell requested John Nielsen bring proposed changes to statute to reflect the original intent of the Board.

ACTION: As an informational item on the July Board Meeting Agenda, John Nielsen will provide proposed statute changes for the Board’s review.

◆ **Operational Report**

Due to time constraints, Chairman Terrell stated the topic “Operational Report” would not be addressed at the meeting.

◆ **Administrator Report**

Due to time constraints, Chairman Terrell stated the topic “Administrator Report” would not be addressed at the meeting.

◆ **New Business**

There was no new business to discuss.

◆ **Executive Session**

MOTION: Chairman Milford Terrell made a motion to modify the agenda item related to executive session and move to retire into executive session pursuant to Idaho Code section 67-2345(1)(b) and (1)(d) to discuss DBS personnel matters specifically related to the evaluation and possible dismissal of DBS employees, as well as potential private personal information. Dan Long seconded. Roll call: Milford Terrell-aye, Dan Long-aye, Gordon Smythe-aye, and Matt Gardner-aye.

As stated by Chairman Terrell, a motion was made by Dan Long and seconded by Gordon Smythe to conclude the Executive Session.

◆ **Old Business**

IDABO and Future Legislation – Chairman Terrell will look into the request from IDABO in regards to working with the committee on future legislation.

MOTION: Dan Long made a motion to adjourn the meeting. Gordon Smythe seconded. All in favor, motion carried. The meeting adjourned at 2:26 p.m. (MT).

MILFORD TERRELL, CHAIRMAN
IDAHO PLUMBING BOARD

C. KELLY PEARCE, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

08/03/11rb