

**IDAHO PLUMBING BOARD
VIDEOCONFERENCE MEETING**

Thursday – September 17, 2020 – 9:30 a.m. (MDT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d'Alene
155 North Maple Street, Blackfoot**

MINUTES OF THE SEPTEMBER 17, 2020 MEETING

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

Chairman Matt Gardner called the meeting to order at 9:31 a.m. (MDT)

Board Members Present:

Matt Gardner, Chairman
Gilbert Pond, Vice-Chairman
Rick Garrett
John Kierce

DBS Staff Members Present:

Ron Whitney, Administrator
Spencer Holm, Deputy Attorney General
John Nielsen, Plumbing Program Manager
Chuck Knapp, Regional Supervisor, Region 1
Josh Nyman, Regional Supervisor, Region 3
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

There were no new issues addressed during open forum.

City/County Concerns – There were no new issues addressed during open forum.

◆ **Approval of the September 17, 2020 Agenda, August 13, 2020 Special Meeting Minutes, February 12, 2020 Special Meeting Minutes and January 16, 2020 Meeting Minutes**

MOTION: John Kierce made a motion to approve the agenda and meeting minutes as presented. Rick Garrett seconded. All in favor, motion carried.

Deputy Attorney General Spencer Holm stated the topic *Waiver of Permit Fees of Those Affected by Wildfires* was added to the agenda as an action item; however, did not meet the Open Meeting Law requires of the 48-hour notice before a regular board meeting. The good faith reason was due to Covid-19 and the infrequency of board meetings this year, and possibly in 2021, the Division wanted to have plenty of time to address this issue, thus the emergency to discuss it at today.

MOTION: Gilbert Pond made a motion to accept the amended agenda. John Kierce seconded. All in favor, motion carried.

◆ **Standards Set by CTE for Apprentice Schooling**

This is an action of moving forward with a memorandum of understanding between DBS, Idaho Career and Technical Education (ICTE) and the Plumbing Board to formalize the Statewide Plumbing Apprenticeship Programs Standards. In 2019, a pilot was developed, and in 2020 the College of Southern Idaho administered the assessment. Due to Covid-19 this year, the goal is to

allow all related training providers throughout the state of Idaho to begin utilizing the standards and tests in 2021. Remote testing is an option and has been communicated to the schools.

MOTION: Rick Garrett made a motion to accept the testing standards as outlined by ICTE. Gilbert Pond seconded. All in favor, motion carried.

◆ **Practical Exams**

Practical exams have been a source of contention; thus, a subcommittee was created. Recommendations were: 1) Take the practical exam out of the field and have a drawing or drawings of buildings (see packet for examples), electronically or paper, to be completed at one of the Division's three office locations; 2) Physically perform a practical at union halls where it would be proctored; 3) Get rid of the practical completely and let industry ween out the journeymen; 4) Let schools incorporate it as part of their four-year program; and 5) Keep as is but adjust it.

MOTION: Rick Garrett made a motion that the practical exam be put back into schooling with the schools having the responsibility to certify the practical part has been completed for those that have completed the four years of schooling in the state of Idaho and anyone coming from another state that is to show a practical as part of the standards of their journeyman test. Due to lack of a second, the motion died.

After further discussion, it was determined two motions were needed: 1) Have the schools be responsible for the practice exams, and 2) Designate test standards for the schools to adhere by.

MOTION: John Kierce made a motion to move the practical examination to the schools. Gilbert Pond seconded. All in favor, motion carried.

MOTION: John Kierce made a motion to adopt the committee's recommendation of the proposed practical examination as submitted. Gilbert Pond seconded. Three ayes and one nay, motion carried.

As agreed, Plumbing Program Manager Nielsen will work with Deputy Attorney General Holm to review the statute and rules; bringing proposed changes to the January 2021 board meeting for the Board's review.

ACTION: For the January 2021 board meeting, the Plumbing Program Manager will bring proposed changes to the plumbing statute and rules.

ACTION: The topic *Practical Exam* will be placed as an informational item on the agenda for the January 2021 Plumbing Board meeting.

◆ **Schedule 2021 Board Meetings**

The proposed meeting dates for 2021 are: January 21th, March 18th, May 20th, and September 16th.

MOTION: John Kierce made a motion to accept the schedule of the 2021 board meetings as presented. Gilbert Pond seconded. All in favor, motion carried.

◆ **Waiver of Permit Fees of Those Affected by Wildfires**

At the 2020 legislative session, Senate Bill (SB) 1283 passed; allowing a person to request a waiver or variance of an existing rule without first being denied by the agency. With a recent wildfire in north Idaho that destroyed several homes, Governor Brad Little declared that area an emergency and asked DBS to assist those affected by waiving their plumbing, electrical and HVAC permit fees. The property owners would still need to take out a permit, get inspections and meet all life safety standards for the trades. The Board was asked if it would consider allowing the Administrator the responsibility of determining, when a petition is received, whether or not to wave the fee(s) or if it is a necessity to bring the recommendation of waver of fees to the Board for approval.

There is a statutory provision that requires payment of fees for each permit issued. SB1283 is good only for the waiver of rules. Deputy Attorney General Holm recommended, and both Administrator Whitney and the Board agreed, to discuss with the Governor's office the possibly of invoking the emergency powers of the Governor as it might be more appropriate and perhaps all-inclusive with all of the potential petitions that could come forward or the potential situations that could result from these fires. Although this topic was an action item, no motion was necessary.

◆ **Plumbing Apprentice Course**

Porter House, Inc. recently developed and registered an apprenticeship program through the U.S. Department of Labor and now awaits approval by the Board to become an eligible training provider in the State of Idaho. Porter House's curriculum is in the packet and will provide schooling both on-line and at a physical location. In addition to the Board's approval, Porter House, Inc. will need consent by ICTE. The Board directed Plumbing Program Manager Nielsen to bring this topic to the January 2021 meeting as an action item.

ACTION: The topic *Plumbing Apprentice Course* will be placed as an action item on the agenda for the January 2021 Plumbing Board meeting.

◆ **Jurisdiction Checking Licensure**

City of Idaho Falls Chief Plumbing and Mechanical Inspector Garrett Christoffersen explained at the time a permit is purchased the City checks a license to ensure it is current; however, does not actively check licenses in the field unless there is a complaint or substandard work. It is the city's interpretation of the law that since licenses are issued by the State, it is the State's responsibility to check them on job sites. There is nothing stopping or inhibiting cities/counties from looking at licenses, and although cities/counties cannot go after fines and fees, they can look at a license and give the information to the State to pursue.

◆ **Definition of Bathroom Group**

In 2009, IAPMO's definition of a bathroom group was a group of fixtures consisting of a water closet, one or two lavatories, and either a bathtub, a combination bath/shower or a shower, and may include a urinal or bidet and an emergency floor drain. In 2015, IAPMO changed the definition to any combination of fixtures, not to exceed one water closet, two lavatories, either one bathtub or one combination bath/shower, and one shower, and may include a bidet and an emergency floor drain. Chapter Nine of the Idaho Plumbing Code, *Horizontal Wet Venting*, says a horizontal wet vent cannot be used on a bathroom group; however, the interpretation from IAPMO is as long as there is any combination of the fixtures, it can be used. Although not specified in the definition, the intent is to be in the same room. Should the Board want to go back to the 2009 definition, the

Plumbing Program Manager does not see any reason to remove the urinal. For further discussion, the topic Definition of Bathroom Group will be addressed as an informational item at the January 2021 board meeting.

ACTION: The topic *Definition of Bathroom Group* will be placed as an informational item on the agenda for the January 2021 Plumbing Board meeting.

◆ **Section 507.25 Accessibility for Service--Water Heaters**

The code section on accessibility for service of water heaters leaves a lot of interpretation, The Board was asked if it should be left to local jurisdictions to interpret or should the code be changed. City of Boise Plumbing Plans Examiner/Inspector Dan Ediger asked if a removal of an appliance is acceptable under the accessibility to a water heater as the City has seen a huge increase in applications for high rise apartments with architects placing appliances; i.e., washer and dryers, in front of water heaters. The definition of accessibility does not really cover what is accessible; however, other codes state pipes, ducts or other appliances shall not encumber the installation of the water heater.

Wanting to proceed with the discussion at the January 2021 meeting, Chairman Gardner asked the topic *Section 507.25 Accessibility for Service--Water Heaters* be placed on the agenda as an informational item.

Board Member Pond stated if the Board is to consider changing verbiage in the codes, water heater strappings should be reviewed as well. The Chairman agreed the topic *Water Heater Strappings* should be addressed as an informational item at the January 2021 Board meeting.

ACTION: The topic *Section 507.25 Accessibility for Service--Water Heaters* will be placed as an informational item on the agenda for the January 2021 Plumbing Board meeting.

ACTION: The topic *Water Heater Strappings* will be placed as an informational item on the agenda for the January 2021 Plumbing Board meeting.

◆ **Program Manager Report**

Clarification of Apprentice Hours – When asked, an apprentice legally registered and working in Idaho for four years, and has worked in another state for four years, for a total of eight years, can sit for the exam without school. This could provide the same benefit to in-instate individuals as well. The text of the rule is what matters, not the title.

Plumbing Apprentice Testing Standards – In the packet are statistics for 2020 on the Plumbing Journeyman First Exam Attempts Report.

Compliance Report – Compliance has been given back to the program managers for their specific trades. The current compliance/outreach employee moved to another state; therefore, the Division will be filling that position.

◆ **Administrator Report**

Financial Report – FY2021 financial statement, as of July 31, 2020, is in the packet; which is the first month of the new fiscal year.

Construction – Given the circumstances with Covid-19, in March 2020, the Governor’s office tasked DBS with tracking its permit and inspection activities against 2019. The year-to-date permit activity through August 2020, increased six percent from 2019, and so far, the September month-to-date is at seven percent above 2019 activity. On September tenth the Division had 712 requested inspection for that day.

Idaho Division of Occupational and Professional Licenses (IDOPL) – The Division, and its boards, are now under IDOPL. As part of the reorganization, DBS will move to the Idaho Chinden Campus in the fall of 2021. The Division’s cost is estimated at \$2.4 million and is based on employee count for space needed, as well as tenant improvements, moving, etc.

Information Technology Services (ITS) – With the establishment of a new ITS, the Division no longer has inhouse IT personnel. Although the consolidation was originally explained as a cost-savings measure, it is actually costing the Division more to cover its IT costs than when it was inhouse.

Blackfoot Office – The Division was approved for supplemental spending through the budget process at the 2021 legislature to purchase a building in Blackfoot that was previously owned by the Idaho Department of Labor. The cost is a little over \$500,000 and is being deferred by the fact that DBS doesn’t have the payments on the Pocatello office it previously occupied.

Financial Report (Cont’d) – With limited board meetings this year, the Division was asked to provide a financial statement for FY2020, ending on June 30th, as well as change the format of the report by breaking down additional information on the allocation of funds. Board Member Pond requested, and Administrator Whitney agreed, to provide at the January 2021 board meeting, year-end fiscals for the past five years.

ACTION: The last five years of year-end fiscals will be provided at the January 2021 Plumbing Board meeting.

◆ **Adjournment**

MOTION: Gilbert Pond made a motion to adjourn the meeting.

The meeting adjourned at 1:15 p.m. (MDT)

MATT GARDNER, CHAIRMAN
IDAHO PLUMBING BOARD

RON WHITNEY, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

12/30/2020rb