

**IDAHO PLUMBING BOARD
VIDEOCONFERENCE MEETING**

Thursday - February 18, 2016 - 9:30 a.m. (MST)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d'Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello**

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

Chairman Matt Gardner called the meeting to order at 9:42 a.m. (MST).

Board Members Present:

Matt Gardner, Chairman
Gilbert Pond, Vice-Chairman
Debbie Oberhofer
Dan Long
Rick Garrett

DBS Staff Members Present:

C. Kelly Pearce, Administrator
Steve Keys, Deputy Administrator, Operations
Ron Whitney, Deputy Administrator, Administration
Patrick Grace, Deputy Attorney General
Fred Sisneros, Financial Manager
John Nielsen, Plumbing Program Manager
Bill Hatch, Public Information Officer
Larry Jeffres, Regional Manager, Region 1
Chris Jensen, Regional Manager, Region 3
Terry Blessing, Compliance Program Supervisor
Chuck Knapp, Regional Supervisor, Region 1
Gary Sonnen, Regional Supervisor, Region 1
Adam Bowcutt, Regional Supervisor, Region 3
Renee Bryant, Administrative Assistant 2/Board Support

Due to personal reasons, Chairman Gardner was unable to conduct today's meeting. Therefore, Vice-Chairman Pond oversaw the proceedings.

◆ **Open Forum**

Challenge Journeyman Exam - Unable to verify the required apprenticeship schooling, the Division denied Michael Barr's application to take the journeyman exam. Mr. Barr appealed to the Board reporting he has 23 years of experience in the HVAC and Plumbing trades. As stated by Vice-Chairman Pond, Mr. Barr's issue would be further discussed under agenda item seven *Out-of-State Plumbers -- testing/licensing*.

City and County Concerns - No items or concerns were brought forth.

New Website - Hailey Reyes, Associated General Contractors Representative, made a presentation on a new website titled webuildidaho.org.

Recognition - Bob Rawlings, plumbing contractor and former DBS employee, passed away in November 2015. A "Celebration of Life" will be held March 19, 2016.

◆ **Approval of February 18, 2016 Agenda**

MOTION: Dan Long made a motion to accept the agenda as presented. Rick Garrett seconded. All in favor, motion carried.

◆ **Approval of October 15, 2015 Minutes**

MOTION: Rick Garrett made a motion to approve the minutes as written. Dan Long seconded. All in favor, motion carried.

◆ **School Curriculum**

Brown Mackie College is seeking the Board's approval to provide a one-year plumbing apprenticeship program at its Boise campus.

This topic was originally addressed at the July 22, 2015 Board meeting with a presentation of the curriculum by Christine Knouff, National Director of Strategic Operations, Brown Mackie College-Central Services and Daniel Summer, Interim Campus Director, Brown Mackie-Boise Campus. At the October 15, 2015 meeting, Director Knouff reiterated the following: 1) One-year full-time diploma program, 2) 900+ hours of class room and lab, 3) Externship, 4) Curriculum based on the National Center for Construction Education and Research curriculum and Idaho State Plumbing Code (ISPC), and 5) Instruction by Idaho licensed plumbers.

At this meeting the Board was to vote to either accept or reject Brown Mackie College's proposed program. Director Knouff recapped the proposal as well as answered the following questions: 1) Cost of program, 2) Students per classroom and lab, 3) Percentage of time spent in classroom and lab, and 4) Books and materials.

In the absence of Kenny Calkins, Cloverdale Plumbing, an e-mail opposing Brown Mackie College's one-year apprenticeship program was reviewed and entered into the minutes.

MOTION: Rick Garrett made a motion to accept Brown Mackie College's application for a one-year plumbing apprenticeship program. Dan Long seconded. All in favor, motion carried.

◆ **Continuing Education Units (CEU)**

At the October 2015 meeting, there was discussion on whether board members should receive the required four-hours of plumbing code-related continuing education units (CEUs) since they attend board meetings. The Deputy Attorney General reviewed Idaho's ethics law; providing his legal opinion.

The following was suggested: 1) Reject idea only board members receive CEUs for attending board meetings, 2) CEUs for contractors and board members attending meetings, 3) Board members receive credit for prep-time of meetings with a cap of four-hours code-related CEUs, 4) CEUs for board approved subcommittee and/or study group reviewing code(s), and 5) The Plumbing Program Manager approve a committee, via application, as an approved CEU course.

MOTION: Dan Long made a motion to include time spent attending board meetings and board activities as being eligible for CEU credits with prior approval of the Board. Rick Garrett seconded.

The Deputy Attorney General offered, and the Board agreed, to bring to the May meeting a motion to encompass all options approved at this meeting. Vice-Chairman Pond tabled the above motion until the May 19, 2016 Board meeting.

ACTION: The Deputy Attorney General will bring to the May 2016 meeting a proposed motion for the Board to review and vote on with regard to CEUs.

ACTION: The topic *Continuing Education Units (CEU)* will be placed as an action item on the May 2016 Board meeting agenda.

Vice-Chairman Pond is a licensed backflow assembly tester. Currently, the eight-hour backflow assembly tester's refresher course, required by Backflow Assembly Testing for the state of Idaho, is not an acceptable CEU code-related class even though it is based on sections in chapter six of the 2009 and 2012 Uniform Plumbing Code (UPC).

The course has been approved by the Division as an industry-related class based on: 1) The American Water Works Association (AWWA) is the manual for backflow devices, not the ISPC; and 2) DBS does not license backflow certifiers.

◆ **Pressure Testing**

The issue of time and cost to inspect tests on plumbing systems in rural areas has been a source of contention for years. Several board members and plumbers voiced their support for self-testing. In the absence of Plumbing Contractor Destrey Hill, an e-mail in support of allowing plumbers to self-test pressure tests on drain, waste and vent systems was reviewed and entered into the minutes. Vice-Chairman Pond supports leaving the inspection process as is with inspectors having latitude in the field.

To satisfy all parties, the Plumbing Program Manager offered, and the Board agreed, to bring a proposed rule change to the May 2016 meeting.

MOTION: Dan Long made a motion to move forward and place the topic *Pressure Testing* on the May 2016 Board meeting agenda as an action item. Rick Garrett seconded. All in favor, motion carried.

The Division will begin the negotiated rulemaking process with the publication of the *Notice of Intent to Promulgate Rules - Negotiated Rulemaking* in the April Idaho Administrative Bulletin.

ACTION: The Plumbing Program Manager, with assistance from the Deputy Attorney General, will bring a draft proposal to the May 2016 meeting.

ACTION: The topic *Pressure Testing* will be placed as an action item on the May 2016 Board meeting agenda.

◆ **Negotiated Rulemaking**

This topic is addressed at the first meeting of every year as a reminder of the negotiated rulemaking process in accordance to Idaho Code § 67-5220. A *Notice of Intent to Promulgate*

Rules - Negotiated Rulemaking will be published in the April Idaho Administrative Bulletin. The current proposal pertains to the 2015 UPC/ISPC and will be discussed at the May 19th and July 19th Plumbing Board meetings.

◆ **Adoption of the 2015 UPC**

A committee comprised of Eric Strole, Boise City Inspector; Cache Olson, Nampa City Inspector; Garret Christoffersen, Idaho Falls City Inspector; Steve Bennett, College of Western Idaho/Contractor; Gilbert Pond, Plumbing Board Member/Contractor; Adam Bowcutt, DBS Regional Supervisor; and John Nielsen, DBS Plumbing Program Manager, discussed the proposed code changes to the 2015 UPC.

The ISPC is modeled after the UPC. A draft proposal to IDAPA 07.02.06 *Rules Concerning Idaho State Plumbing Code* was included in the board packet. The Plumbing Program Manager addressed several of the proposed changes. If adopted at the 2017 legislature, the 2015 UPC would effectively become the 2017 ISPC.

MOTION: Matt Gardner made a motion to move forward with the 2015 code update with allowance for further discussion. Dan Long seconded. All in favor, motion carried.

The Plumbing Program Manager stated the Division would have the *Notice of Intent to Promulgate Rules - Negotiated Rulemaking* printed in the April Bulletin and begin the process of negotiated rulemaking.

ACTION: The DBS will begin the negotiated rulemaking process with the publication of the Notice of Intent to Promulgate Rules - Negotiated Rulemaking in the April Idaho Administrative Bulletin.

◆ **Out-of-State Plumbers -- Testing/Licensing**

School Certification - In 2015, a new rule passed requiring an individual, who had never been licensed in another state as a journeyman, to provide evidence of four years of plumbing work experience and four years of schooling equivalent to that which a plumbing apprentice must complete in Idaho.

The Division has received numerous applications from out-of-state plumbers unable to provide the educational component. To rectify this issue, the Plumbing Program Manager will bring to the May 2016 meeting a pending/temporary rule that would substitute the required four years of work experience and four years of schooling with eight years of verifiable work experience.

Peggy Schnell, North Idaho College; and Steve Bennett, College of Western Idaho, stated their schools currently provide challenge/placement tests for years one through four. The Division will accept completion certificates from the schools; however, all four years must be included with the application.

Specialty Licenses - Vice-Chairman Pond brought forth a concern of individuals installing water heaters incorrectly and without the required specialty apprentice appliance license. Only 34 specialty apprentices are registered with the Division. Homeowners with this issue are encouraged to file complaints with the DBS.

Schooling Certification (Cont.) - Upon further discussion, the following motion was made.

MOTION: Rick Garrett made a motion for the Plumbing Program Manager and Deputy Attorney General to put together a proposal for the May 2016 meeting; revamping the qualifications for individuals living in Idaho and/or out-of-state who want to take the journeyman exam. Dan Long seconded. All in favor, motion carried.

ACTION: For the May 2016 Board meeting, the Plumbing Program Manager and Deputy Attorney General will bring a draft proposal; changing the application requirements to take the Idaho journeyman exam.

ACTION: The topic *Out-of-State Plumbers -- Testing/Licensing* will be placed as an action item on the May 2016 Board meeting agenda.

◆ **Idaho Code § 54-2602(1)(e)**

This issue mainly concerns commercial jobs where “maintenance” or “construction” employees go beyond working on plumbing systems in buildings owned and/or operated by their employers. In 2015, a bill to require a licensed journeyman plumber on staff did not pass legislation. The original intent of the code was to allow colleges to use their maintenance personnel.

The Plumbing Program Manager suggested removing the verbiage “new construction” from the statute. The Board agreed and requested a proposal be brought to the May meeting for review.

ACTION: For the May 2016 Board meeting, the Plumbing Program Manager will bring a proposal to remove from the statute the verbiage “new construction”.

ACTION: The topic *Idaho Code § 54-2602(1)(e)* will be placed as an informational item on the May 2016 Board meeting agenda.

◆ **Solar Energy and Hydronics Code**

Vice-Chairman Pond brought forth the following concerns: 1) Potable water used in radiant floor flutes becomes stagnant after several months of non-use, 2) Some contractors are installing oxygen barrier cross-linked polyethylene pipe (PEX) in the ground; however, others are running standard non-oxygen barrier PEX pipe, 3) Cast iron pumps are being installed rather than brass pumps, and 4) It is estimated pipes will be full of rust in approximately five years.

Jed Scheuermann, International Association of Plumbing and Mechanical Officials (IAPMO) Representative, stated IAPMO published the 2015 Uniform Solar Energy and Hydronics Code. A copy of the Code was distributed to the Board. Mr. Scheuermann offered IAPMO’s services, to include training, if necessary.

Potable water systems fall under the purview of the Plumbing Board; however, hydronics is an HVAC system. The Deputy Administrator-Operations offered to work with the Plumbing Program Manager on a proposal for the May 2016 Board meeting. Also, the Division will discuss this topic with the HVAC Board; suggesting both boards gather for a joint meeting.

ACTION: For the May 2016 Board meeting, the DBS will bring a proposal with regard to potable water systems.

ACTION: The topic *Solar Energy and Hydronics Code* will be placed as an informational item on the May 2016 Board meeting agenda.

◆ **Tile Showers and Thresholds**

The latest trend in new homes is thresholdless or curbless showers; making threshold showers obsolete. Depending on which jurisdiction you are in around the state, there are varying degrees on what is allowed. Currently, the ISPC does not reference these new type of showers. However, there is some leeway in the 2015 UPC in what is called a “wet area” and specifically addresses thresholdless showers and what is appropriate. The Board was asked to provide some direction to inspectors until the adoption of the 2015 UPC.

The Deputy Administrator-Operations suggested, and the Board agreed, to bring to the May 2016 meeting, a temporary rule that would incorporate language on “finished curb or threshold” from the 2015 UPC into the ISPC.

ACTION: At the May 2016 Board meeting, the Plumbing Program Manager will bring a proposed temporary rule. The proposal will incorporate verbiage from the 2015 UPC on “finished curb or threshold” into the ISPC.

ACTION: The topic *Tile Showers and Thresholds* will be placed as an action item on the May 2016 Board meeting agenda.

◆ **Drinking Water and Waste Water Professionals**

Neither the Division nor the Board has heard anything new on proposed legislation by the Drinking Water/Waste Professionals. The Administrator offered to check into this topic; reporting to the Board at a future meeting.

ACTION: The Division will research the topic *Drinking Water and Waste Water Professionals* and report its findings at a future board meeting.

◆ **Plumbing Program Manager Report**

UPC & UMC Technical Committee Meeting - In May 2016, the Plumbing Program Manager will attend the UPC & UMC Technical Committee meeting in Denver, Colorado.

Inspector Meeting - On March 17-18, 2016, a statewide inspector meeting will be held at the Division’s Meridian office for all the DBS HVAC and plumbing inspectors.

American Water Works Association (AWWA) Rule - For the May 2016 Board meeting, the Plumbing Program Manager will bring a draft proposal to eliminate the AWWA rule in IDAPA 07.02.04.012.01.

ACTION: The Plumbing Program Manager will bring a draft proposal to the May 2016 Board meeting to remove the AWWA rule in IDAPA 07.02.04.012.01,

ACTION: The topic *AAWA Rule* will be placed on the May 2016 Board meeting agenda as an informational item.

Contractors and Civil Penalties - Currently in rule, plumbing contractors are given warning letters rather than civil penalties for non-licensed employees caught working on a job. A proposal, to remove the contractor exemption for civil penalties, will be addressed at the May 2016 meeting.

ACTION: For the May 19th meeting, the Plumbing Program Manager will bring a draft proposal; removing the contractor exemption for civil penalties.

ACTION: The topic *Contractors and Civil Penalties* will be placed on the May 2016 Board meeting agenda as an informational item.

Master Plumber License - The Plumbing Program Manager broached the subject about the possible creation of a master plumber license. The licensee would be the designated supervising plumber responsible for the supervision of plumbing installations made by its company. To qualify, an individual would have to have at least four years of experience as a journeyman plumber.

ACTION: For the May 2016 Board meeting, the Plumbing Program Manager will bring a draft proposal for a new master plumber license.

ACTION: The topic *Master Plumber* will be placed on the May 2016 Board meeting agenda as an informational item.

Practical Exams - Upon receiving complaints about practical exams, the Plumbing Program Manager offered, and the Board agreed, to bring to the May 2016 Board meeting more defined standards on both the written and physical practical exams.

ACTION: For the May 2016 Board meeting, the Plumbing Program Manager will bring updated criteria on practical exams.

ACTION: The topic *Practical Exams* will be placed on the May 2016 Board meeting agenda as an informational item.

◆ **Compliance Program Report**

Beginning April 5, 2016, the Compliance Program Supervisor will provide public works classes in all 44 counties in the state of Idaho. The Board requested, and the Compliance Program Supervisor agreed, to provide a list of the dates, times and locations.

ACTION: The Compliance Program Supervisor will provide information on the upcoming PWCL classes to the Plumbing Board

◆ **Operational Report**

Legislation - The proposed rule, to increase the permit fees on the installation of sewer and water lines, cleared the House and Senate Committees at the 2016 legislature.

◆ **Administrator Report**

Financial Report - The Idaho Plumbing Board Fund, FY 2016 financial statement as of January 31, 2016, was reviewed.

Budget - The Division has requested the addition of four inspectors and one full-time clerical position.

Merging of Boards - Currently, there is legislation to combine the Manufactured Housing and Modular Building Advisory Boards; creating a new board titled *Factory Built Structures Advisory Board*.

Damage Prevention Board - Proposed legislation to create a dig line board is currently in the House of Representatives for a reading. The purpose of the Board would be to provide for the protection of public health and safety regarding underground facilities and to reduce damages to those facilities. If the legislation passes, the new Board will be under the direction of the DBS.

Idaho School Safety and Security Advisory Board - A draft proposal is currently being reviewed at the 2016 legislature. The purpose of this Board is to enhance the safety and security of students and educators who use Idaho's public schools and campuses. If the legislation passes, the new Board will be under the direction of the DBS.

Governor's Legislation - Due to the recent ruling in North Carolina with regard to anti-trust laws, a proposal by Governor Otter has been presented to the legislature. The proposal amends the existing law; revising the qualifications for various licensure boards so all members serve at the pleasure of the Governor and each board has at least one consumer member.

◆ **Adjournment**

The Chairman adjourned the meeting at 2:40 p.m. (MST).

MATT GARDNER, CHAIRMAN
IDAHO PLUMBING BOARD

C. KELLY PEARCE, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

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DATE