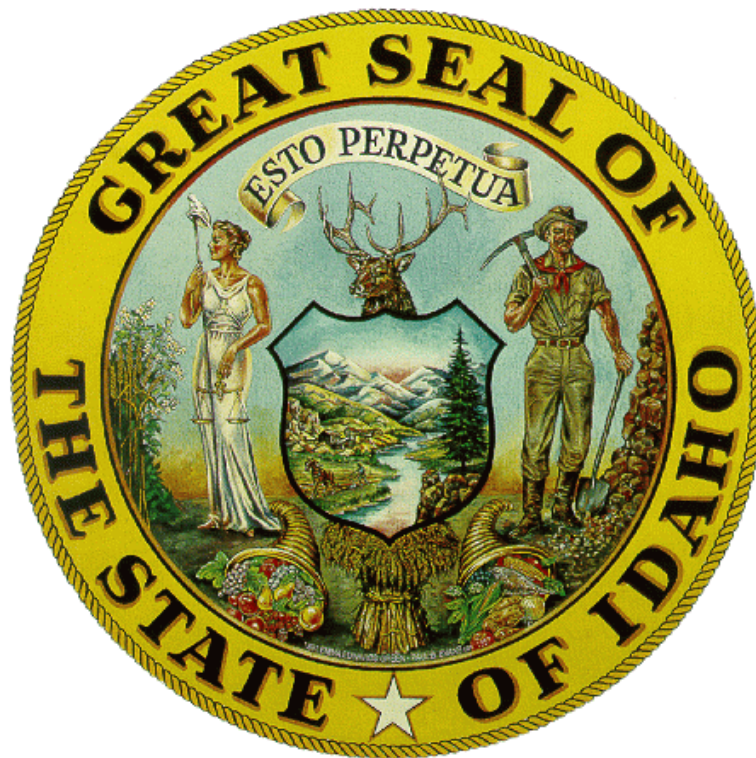


DIVISION OF BUILDING SAFETY

IDAHO PLUMBING BOARD
VIDEOCONFERENCE MEETING

JANUARY 18, 2018



IDAHO PLUMBING BOARD

Agenda Item No. 01

Agenda

PRESENTER: Matt Gardner, Chairman

OBJECTIVE: Approve agenda for the January 18, 2018 Idaho Plumbing Board meeting.

ACTION: Consent

BACKGROUND:

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Tentative agenda



TENTATIVE AGENDA

NOTICE OF PUBLIC MEETING

IDAHO PLUMBING BOARD VIDEOCONFERENCE MEETING

**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**

db.s.idaho.gov - (208) 332-7137

**Thursday, January 18, 2018
9:30 a.m. – 1:30 p.m. (MST)**

(Note: North Idaho – Meeting Commences @ 8:30 a.m. PST)

9:30 a.m. CALL TO ORDER – Matt Gardner, Chairman

- Roll Call & Introductions
- Open Forum
 - City and County Concerns

CONSENT AGENDA

1. Approval of the January 18, 2018 Agenda – Matt Gardner
2. Approval of the October 19, 2017 Board Meeting Minutes – Matt Gardner

ACTION AGENDA

3. Negotiated Rule -- ISPC Section 603.5.12 Beverage Dispensers – John Nielsen, Program Manager

INFORMATIONAL AGENDA

(These items are for informational purposes only. Any action will be at the Plumbing Board's discretion.)

4. Licensing Freedom Executive Order – Patrick Grace, Regional Manager
5. Idaho Code § 54-2602 High School Educational Programs – John Nielsen
6. Idaho Code § 54-2611(a) Classification of Competency – John Nielsen
7. ISPC Table 501.1(1) First Hour Rating – John Nielsen

8. Program Manager Report – John Nielsen
9. Compliance Program Report – Amy Kohler, Compliance Program Specialist
10. Administrator Report – Chris L. Jensen, Administrator
 - a. Financial Report

1:30 p.m. ADJOURN

For additional agenda information, refer to the packet, available one week prior to this meeting, at the DBS's central and regional offices and <https://dbs.idaho.gov/boards/pbboard/pbmeetings.html>.

All times, other than beginning, are approximate and scheduled according to Mountain Standard Time (MST), unless otherwise noted. Agenda items may shift depending on the Idaho Plumbing Board's preference. 1/3/2018r

IDAHO PLUMBING BOARD

Agenda Item No. 02

Minutes

PRESENTER: Matt Gardner, Chairman

OBJECTIVE: Approve minutes from the October 19, 2017 Idaho Plumbing Board meeting.

ACTION: Consent

BACKGROUND:

PROCEDURAL HISTORY:

ATTACHMENTS: Draft minutes



**IDAHO PLUMBING BOARD
VIDEOCONFERENCE MEETING**

Thursday – October 19, 2017 – 9:30 a.m. (MDT)

**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**

***DRAFT MINUTES OF THE OCTOBER 19, 2017 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 9:32 a.m. (MDT)

Board Members Present:

Matt Gardner, Chairman
Gilbert Pond, Vice-Chairman
Shaun Urwin
Debbie Oberhofer
Rick Garrett – Teleconference

DBS Staff Members Present:

Ron Whitney, Deputy Administrator
Spencer Holm, Deputy Attorney General
John Nielsen, Plumbing Program Manager
Amy Kohler, Compliance Program Specialist
Patrick Grace, Regional Manager, Region 2
Jeff Egan, Regional Manager, Region 3
Chuck Knapp, Regional Supervisor, Region 1
Adam Bowcutt, Regional Supervisor, Region 3
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

Shower Pan – Cindy Whitlock, homeowner from Rathdrum, questioned why the Division’s inspector stated the shower pan installed in her home was too small when the shower specifications were on the blueprints. Although Ms. Whitlock has spoken to the Division’s Region 1 Manager and Supervisor, the Chairman informed her Plumbing Program Manager John Nielsen would contact her as well.

Apprentices--College of Western Idaho (CWI) – Steve Bennett, Plumbing Program Coordinator, CWI, stated there are 202 apprentices enrolled in classroom programs, and approximately 100 students taking online courses. Twenty-five apprentices graduated in the spring of 2017. The CWI is sharing materials with the College of South Idaho, Twin Falls, and Eastern Idaho Technical College, Pocatello, to assist in their programs.

Timeframe--Journeyman Exam – Mr. Bennett asked if a plumbing apprentice does not pass the journeyman exam within the required six-month period, could the individual take an on-line test prep course rather than retake year four of the apprenticeship program. At this time, the Board is satisfied with the requirements in rule.

City and County Concerns – There were no new issues brought forth during open forum.

◆ **Approval of the October 19, 2017 Agenda**

Due to the time constraints of a guest, Plumbing Program Manager John Nielsen requested item six *Idaho Code § 54-2606 Insurance and Bonds* be moved before item four *Schedule 2018 Board Meetings*.

MOTION: Gilbert Pond made a motion to accept the agenda with the change. Shaun Urwin seconded. All in favor, motion carried.

◆ **Approval of the May 18, 2017 Minutes**

MOTION: Shaun Urwin made a motion to approve the minutes as written. Gilbert Pond seconded. All in favor, motion carried.

◆ **Approval of July 27, 2017 Minutes**

MOTION: Debbie Oberhofer made a motion to approve the minutes as written. Shaun Urwin seconded. All in favor, motion carried.

◆ **Idaho Code § 54-2606 Insurance and Bonds**

Presented at the February 2017 meeting was a draft proposal to remove the \$2,000 compliance bond, and require plumbing contractors/specialty plumbing contractors to obtain \$300,000 in general liability and worker's compensation insurance. The Board requested an expert from the insurance industry address the pros and cons of liability insurance and compliance bonds. Deputy Attorney General Brett DeLange, Consumer Protection Division, Office of the Attorney General, provided background on this issue as it pertains to consumer protection.

Upon further discussion, it was determined to table the topic *Idaho Code § 54-2606 Insurance and Bonds*.

◆ **Schedule 2018 Board Meetings**

The proposed 2018 Board meeting dates are January 18, March 15, May 17, and September 20.

MOTION: Shaun Urwin made a motion to approve the 2018 Board meeting dates as presented. Rick Garrett seconded. All in favor, motion carried.

ACTION: The 2018 Plumbing Board meeting dates will be placed on the Division's board meeting calendar, and website.

◆ **Career & Technical Education (CTE)--Spending Authority**

As discussed at the July meeting, the Plumbing Program Manager sent a Memorandum of Understanding, between the Board and CTE, to the board members prior to the meeting.

For a second time, Wendi Secrist, Director of Business Outreach, Idaho Career & Technical Education, provided a PowerPoint presentation titled *Related Training Programs, Plumbing Apprenticeship*.

The Plumbing Program Manager offered to have the presentation placed on the Division's website.

ACTION: The Division will post the PowerPoint presentation to its website.

Included in the Division's 2019 budget request is the \$41,000 spending authority for CTE to update standards for the plumbing apprenticeship programs. The budget will go before the 2018 legislative session, and if approved, the process could begin as early as July 1, 2018.

Union, school and industry representatives were all in favor of statewide standard training.

MOTION: Debbie Oberhofer made a motion to accept the proposed spending authority for CTE to set standards for the Idaho apprenticeship schooling. Rick Garrett seconded. All in favor, motion carried.

◆ **Negotiated Rule--ISPC Section 603.5.12 Beverage Dispensers**

Representatives of the coffee industry have discussed with the Plumbing Program Manager whether coffee makers should require a backflow protection like carbonated dispensers as written in section 603.5.12 *Beverage Dispensers* of the 2017 Idaho State Plumbing Code.

As explained by Board Member Garrett, most machines have air gaps between the actual coffee and water supply. Therefore, he is inclined to take the coffee maker out of the code.

Board Member Pond does not want a blanket statement that a reduced pressure backflow device must protect all coffee makers/coffee machines. He would like it to meet criteria, and expressed a definition or explanation would be better.

The Plumbing Program Manager offered, and the Board agreed, to bring two drafts proposals to the January 2018 meeting.

ACTION: The Plumbing Program Manager will provide two drafts at the January 2018 Board meeting.

ACTION: The topic *ISPC Section 603.5.12 Beverage Dispensers* will be placed as an action item on the January 18, 2018 Board meeting agenda.

◆ **Idaho Code § 54-2617(3) Certificate Expiration**

An individual has up to two years to renew a license once it expires. If not renewed within that period, the license is closed and the individual must retest. Several licensees have asked to pay a higher reactivation fee rather than retest. After a brief discussion, the Board agreed an individual would have to retest upon the closure of a license.

Board Member Pond suggested, and the Chairman agreed, to table the topic *Idaho Code § 54-2617(3) Certificate Expiration* until further notice.

◆ **Idaho Code § 54-2602 High School Educational Programs**

The Blaine County School District has a four-year industry-related program to expose high school students to the plumbing, electrical and HVAC trades by attending industry-related classes, as well as construct a house on-site. As part of the high school program, a proposed

change to Idaho Code § 54-2602 *Exceptions* would allow, but limit, students to perform residential trade-related installations and not be required to register as an apprentice.

The Division is also working with CTE on the School to Registered Apprenticeship Program. This program allows eligible high school students to begin apprenticeship during their senior year of high school.

Having read the proposal, Kenny Calkins, Treasure Valley Master Plumbers Association Representative, would consider asking a representative or senator to sponsor the proposal at the 2018 legislature.

The Idaho Department of Labor (IDOL) law states no one under the age of 18 can run power tools. Darcy Neidigh, DeBest Plumbing, likes the idea; however, suggested that if or when a legislator is willing to carry the proposal, the IDOL be involved as well.

The Chairman stated the topic *Idaho Code § 54-2602 High School Educational Programs* would be further discussed at the January Board meeting.

ACTION: The topic *Idaho Code § 54-2602 High School Educational Programs* will be placed as an informational item on the January 18, 2018 Board meeting agenda.

Board Member Pond left the meeting at 12:10 p.m. to catch a flight.

◆ **Compliance Program Report**

The Compliance Program Specialist is currently redefining the Division's processes for the compliance program.

◆ **Program Manager Report**

Bullhead Two Way Cleanouts – The Plumbing Program Manager forward an e-mail to the Board prior to the meeting from a plumber not able to use a bullhead cleanout (two combo fittings facing one another). The code does not allow bullhead tees; however, there is an approved non-directional two way fitting. The Plumbing Program Manager explained he could use code section 301.3 *Alternate Materials and Methods*, and get it taken care of on the state's side without having to rewrite any rules.

Inspection Requests – For years, contractors have asked DBS to schedule inspections directly with the homeowners. The Division have complied; however, it has become more problematic, as well as time consuming for inspectors. This is a contractual issue between contractors and their customers. Moving forward, DBS will do its best to accommodate; however, will no longer contact homeowners for access to perform inspections. The Division will place notification of the change to the Division's website and on permit applications.

ACTION: The Plumbing Program Manager will post an announcement of the change on the Division's website and permit applications.

One suggestion was for the contractor or homeowner to call the inspector directly to determine a time, AM or PM, for an inspection.

International Association of Plumbing & Mechanical Officials (IAPMO) Conference – The Plumbing Program Manager attended IAPMO’s Business and Educational Conference in Alaska. At the conference, IAPMO board members asked him to be on a standards and products committee. If accepted, the Plumbing Program Manager will need to step down from one or both technical committees he is currently on since he will be required to travel once a month to Ontario, California.

◆ **Administrator Report**

Inspections – Today, the Division received 449 plumbing, mechanical and electrical inspection requests. Forty-six inspectors will perform those inspections throughout the state of Idaho, for an average of ten inspections per inspector.

Budget – The Division submitted its budget request for fiscal year 2019. In the request is six full-time personnel, three electrical inspectors and three plumbing/HVAC inspectors.

Damage Prevention Board – The Damage Prevention Board’s temporary rules became effective September 1, 2017, and the proposed rules will be reviewed at the 2018 legislature for permanent status. The Division has begun to take complaints on damages to underground facilities. The Deputy Administrator encouraged everyone to call 811 prior to digging.

Retirement – Ann Beebe, Special Assistant with the Office of Governor C.L. “Butch” Otter, and liaison between DBS and Idaho State Boards, Commissions, and Councils, will retire on October 31, 2017. A party in her honor will be October 24, 2017, 3:30 p.m. to 5:30 p.m., in the Governor’s Ceremonial Office.

Directional Boring – In line with the damage of underground facilities, Chairman Gardner explained telecommunications and others are boring through sewer lines, etc., causing damage as well.

◆ **Adjournment**

The Chairman adjourned the meeting at 12:46 p.m. (MDT)

MATT GARDNER, CHAIRMAN
IDAHO PLUMBING BOARD

CHRIS L. JENSEN, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

*These DRAFT minutes are subject to possible corrections and final approve by the Idaho Plumbing Board. 12/08/2017rb

IDAHO PLUMBING BOARD

Agenda Item No. 03 Neg. Rule--ISPC Section 603.5.12 Beverage Dispensers

PRESENTER: John Nielsen, Plumbing Program Manager

OBJECTIVE: Allow coffee makers to be installed using a vented backflow preventer instead of a RPBA.

ACTION: Vote to accept or reject proposed language in the 2017 Idaho State Plumbing Code (ISPC).

BACKGROUND: Representatives of the coffee industry have discussed with the Plumbing Program Manager whether coffee makers should require a backflow protection like carbonated dispensers as written in section 603.5.12 *Beverage Dispensers* of the 2017 Idaho State Plumbing Code.

As explained by Board Member Garrett, most machines have air gaps between the actual coffee and water supply. Therefore, he is inclined to take the coffee maker out of the code.

Board Member Pond does not want a blanket statement that a reduced pressure backflow device must protect all coffee makers/coffee machines. He would like it to meet criteria, and expressed a definition or explanation would be better.

Plumbing Program Manager offered, and the Board agreed, to bring two drafts proposals to the January 2018 meeting.

PROCEDURAL HISTORY:

ATTACHMENTS: 2015 UPC-Section 603.5.12, 2017 ISPC-Section 603.5.12 and Proposed 2017 ISPC-Section 603.5.12



2015 UPC

603.5.12 Beverage Dispensers. Potable water supply to beverage dispensers, carbonated beverage dispensers, or coffee machines shall be protected by an air gap or a vented backflow preventer in accordance with ASSE 1022. For carbonated beverage dispensers, piping material installed downstream of the backflow preventer shall not be affected by carbon dioxide gas.

2017 ISPC

603.5.12 Beverage Dispensers. Potable water supply to beverage dispensers, carbonated beverage dispensers, or coffee machines shall be protected by an air gap or *a Reduced Pressure Principle Backflow Prevention Assembly in accordance with ASSE 1013*. For carbonated beverage dispensers, piping material installed downstream of the backflow preventer shall not be affected by carbon dioxide gas.

PROPOSED 2017 ISPC

603.5.12 Beverage Dispensers. Potable water supply to ~~beverage dispensers~~, carbonated beverage dispensers, ~~or coffee machines~~ shall be protected by an air gap or *a Reduced Pressure Principle Backflow Prevention Assembly in accordance with ASSE 1013*. For carbonated beverage dispensers, piping material installed downstream of the backflow preventer shall not be affected by carbon dioxide gas. Potable water supply to beverage dispensers or coffee machines shall be protected by an air gap or a vented backflow preventer in accordance with ASSE 1022.

IDAHO PLUMBING BOARD

Agenda Item No. 04

Licensing Freedom Executive Order

PRESENTER: Patrick Grace, DBS Regional Manager

OBJECTIVE: To seek input from the Board regarding plumbing licenses administered by the DBS in order to determine whether any improvements to, modifications to, or elimination of such licenses, or license requirements is warranted.

ACTION: Informational

BACKGROUND: In May 2017, the Governor's Office implemented an Executive Order (E.O. 2017-06), which requires all state agencies that issue professional and occupational licenses to review their license requirements and procedures to determine whether such licenses are in the public interest. Specifically, each such agency must submit a report to the Governor's Office by July 1, 2018, with a determination as to whether such licenses are in the public's interests, and recommendations, if any, for improvements, modifications, or elimination of licensure requirements.

PROCEDURAL HISTORY: This item has not yet been addressed by the Board.

ATTACHMENTS: Executive Order 2017-06





Executive Department
State of Idaho

State Capitol
Boise

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2017-06

**ON REVIEWING THE NECESSITY FOR AND THE APPLICABILITY AND
PROCESSING OF LICENSURE REQUIREMENTS FOR INDIVIDUALS
ENGAGED OR DESIRING TO BE ENGAGED OR EMPLOYED IN TECHNICAL,
PROFESSIONAL OR OTHER OCCUPATIONS WITHIN THE STATE OF IDAHO,
EMPHASIZING THE EFFECT OF LICENSURE REQUIREMENTS ON IDAHO
EMPLOYMENT OPPORTUNITIES**

WHEREAS, in order to protect the public, the Legislature has enacted laws in Idaho establishing licensure requirements for persons desiring to be employed or engaged in various professional, technical or other occupations within the state; and

WHEREAS, administration of such laws are vested in agencies or bureaus within state executive departments or in various self-governing agencies; and

WHEREAS, the extent of state occupational licensure is partially reflected in Title 54, Idaho Code, with 57 chapters devoted to licensure of persons to engage in certain professional, technical, and occupational endeavors, and the responsibility for licensure of persons to engage in those occupations is delegated by law to independent self-governing agencies, and substantial occupational licensing authority also has been granted to the 19 state executive departments; and

WHEREAS, while it is important to ensure public protection, it also is imperative that we ensure that the laws and rules do not create unnecessary barriers to commerce and employment, and although new and occasionally existing regulatory rules are reviewed by the Legislature, there has not been a comprehensive internal review of licensing requirements within the executive branch of Idaho's government since the reorganization of the state executive departments in the mid-1970s, more than 42 years ago; and

WHEREAS, there has been no comprehensive critical analysis of the effect of existing licensing requirements on employment opportunities within the state, nor has there been any re-examination of such requirements to determine the necessity for such licensure, or whether the public interest could not be equally or better served by less restrictive or less intrusive mechanisms than those now in place; and

WHEREAS, analysis of the laws and rules may well result in removing unnecessary barriers to desirable employment for qualified individuals and increasing the availability of a skilled and valuable workforce necessary to grow Idaho's economy; and

WHEREAS, Article IV, Section 5, of the Constitution of the State of Idaho vests the supreme executive power of the state in the governor and imposes upon the governor the responsibility to see that the laws of the state are faithfully executed; and

WHEREAS, Article IV, Section 5, of the Constitution of the State of Idaho provides that in the event of certain events, including the absence of the Governor from the state, the powers, duties and emoluments of the office of governor shall devolve upon the lieutenant governor until the governor shall not be absent from the state; and

WHEREAS, at the time of executing this Executive Order, the Governor is absent from the state and during such absence, the powers and duties of the office of governor have devolved upon the Lieutenant Governor;

NOW THEREFORE, I, BRAD LITTLE, Acting Governor, by virtue of the authority vested in me by the Constitution and laws of the State of Idaho, hereby declare the following:

1. *Each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency with statutory or regulatory authority to issue a license to an individual, authorizing such person to engage in a profession, vocation or occupation, shall review and report:*
 - a. *the timeframe for final action either approving or denying a complete application for issuance of a professional, occupational, or vocational license; and*
 - b. *review of requirements that are prerequisites for the issuance of each type of license and suggestions on requirements that can be eliminated; and*
 - c. *review of renewal requirements and suggestions on requirements that can be eliminated ; and*
 - d. *statutory or regulatory prohibitions that require the department to deny either the acceptance of an application for a license or the denial of the issuance or renewal of a license, together with a report of the number of applicants denied licensure, or whose applications were not accepted for consideration by the department or agency, or who were refused renewal of a license for the one-year period immediately following or preceding the date of this executive order, and the factual or statutory basis for each such denial; and*
 - e. *statutory or regulatory authority for the suspension, revocation or other disciplinary action relating to professional, technical, or occupational licenses issued by such agency, together with a report of the number of such disciplinary actions and the factual or statutory basis for such action; and*
 - f. *the cost of administering the licensing process on a per applicant basis, and the fee charged to each applicant for issuance or renewal of a license.*
 - g. *in recognition of the work by board members to address these issues, list the laws and rule changes enacted in the past five years to eliminate barriers.*

2. *Each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency with statutory or regulatory authority to issue a license to an individual, authorizing such person to engage in a professional, technical or occupation, shall:*
 - a. *provide an assessment or statement as to whether the licensure, or requirements relating thereto, are in the public interest, together with the reasons for such assessment or opinion; and*
 - b. *provide recommendations for improvement, modification or elimination of licensure requirements within the department's or the self-governing agency's jurisdiction; and*
 - c. *within thirty (30) days following the effective date of this Executive Order, adopt a process or procedure affording interested persons reasonable opportunity to submit to the department, bureau or self-governing agency, or to the Governor's office or the office of the Lieutenant Governor if the person chooses, data, views, opinions or arguments concerning any matter which is the subject of this Executive Order. Such information may be submitted either in writing or*

electronically. The process or procedure may provide a closing date for the submission of such information, which for the purposes of this Executive Order shall not be earlier than May 1, 2018; and

- d. upon adopting such process or procedure, provide notice to the Governor’s office and to all interested persons of its intent to comply with the requirements of this Executive Order and the manner in which such interested persons may provide data, views, opinions or arguments either to the department, bureau, self-governing agency or to the Governor’s office or the office of the Lieutenant Governor.*
- 3. The term “interested persons,” as used in paragraphs 2c and 2d of this Executive Order shall include but not be limited to all persons currently licensed by the affected department or agency on the effective date of this Executive Order.*
 - 4. Each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency, shall submit the report including the information required in this Executive Order to the Governor’s office no later than July 1, 2018. Reports may be submitted electronically.*

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 19th day of May, in the year of our Lord two thousand and seventeen and of the Independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.



BRAD LITTLE
ACTING GOVERNOR

LAWRENCE DENNEY
SECRETARY OF STATE

IDAHO PLUMBING BOARD

Agenda Item No. 05 Idaho Code § 54-2602 High School Educational Programs

PRESENTER: John Nielsen, Plumbing Program Manager

OBJECTIVE: Allow high school students to plumb in a recognized school program without needing to meet the apprenticeship registration requirements.

ACTION: Informational

BACKGROUND: As part of any high school educational program, a proposed statute change would allow students to perform residential trade-related installations and not be required to register as an apprentice in the state of Idaho. Several legislators are willing to run the proposed educational exemption apprenticeship at the 2018 legislature for all three trades.

The Chairman stated the topic *Idaho Code § 54-2602 High School Educational Programs* would be further discussed at the January 2018 Board meeting.

PROCEDURAL HISTORY:

ATTACHMENTS: Draft Proposal – Idaho Code § 54-2602(i)



Plumbing:

54-2602(i) (change existing (i) to (j))

Apprentice registration requirements shall not apply to high school students enrolled in an educational program recognized by the board in which the performance of plumbing installation is a formal component of the program. Provided however, the exemption is limited to students performing residential installations as part of such program under the constant on-the-job supervision of a licensed journeyman plumber, and a permit for the work is obtained from the authority having jurisdiction. Work hours performed by such students shall not apply toward apprentice work requirements.

IDAHO PLUMBING BOARD

Agenda Item No. 06 Idaho Code § 54-2611(a) Classification of Competency

PRESENTER: John Nielsen, Plumbing Program Manager

OBJECTIVE: Eliminate conflict between statute and rule concerning plumbing contractors.

ACTION: Informational

BACKGROUND: In 2015, the legislature passed a rule presented by the Board stating to test or continue to hold a contractor's license; a person must first be a journeyman, as well as meet any other requirements. The way Idaho Code § 54-2611(a) is written, it contradicts the rule.

PROCEDURAL HISTORY:

ATTACHMENTS: Idaho Code § 54-2611(a) Classification of Competency



§ 54-2611. Classification of competency

There shall be three (3) classifications of competency in the business, trade, practice or work of plumbing and three (3) classifications of competency in the business, trade, practice or work of specialty plumbing, as follows:

(a) A plumbing contractor shall be any person, or a member, representative or agent of a firm, copartnership, association, or corporation skilled in the planning and supervision of the construction, installation, improvement, extension and alteration of plumbing systems, and who is familiar with the provisions of this act and the rules made by the Idaho plumbing board, and who is competent to offer and to assume to work on a contract basis and to direct the work of qualified employees. A contractor ~~who in person does plumbing work~~ shall also be qualified as a journeyman plumber. ~~Or have in his employ on all work a qualified journeyman.~~

IDAHO PLUMBING BOARD

Agenda Item No. 07

ISPC Table 501.1(1) First Hour Rating

PRESENTER: John Nielsen, Plumbing Program Manager

OBJECTIVE: Update Table 501.1(1) to meet current Federal Energy Ratings

ACTION: Informational

BACKGROUND: On June 12, 2017, the water heater industry was required by the U.S. Department of Energy to transition from the well-known Energy Factor (EF) metric for water heater efficiency to an entirely new metric called Uniform Energy Factor, or UEF. In addition to the change from EF to UEF, manufacturers are required to use an entirely new First Hour Rating (FHR) test procedure. While the name of the metric remains the same (FHR), the resultant values will likely be different from the previous FHR values for the same models due to the new test procedures.

PROCEDURAL HISTORY:

ATTACHMENTS: Current table and new proposed table



shall be permitted in accordance with Section 504.3.2.

502.0 Permits.

502.1 General. It shall be unlawful for a person to install, remove, or replace or cause to be installed, removed, or replaced a water heater without first obtaining a permit from the Authority Having Jurisdiction to do so.

I

503.0 Inspection.

503.1 Inspection of Chimneys or Vents. This inspection shall be made after chimneys, vents, or parts thereof, authorized by the permit, have been installed and before such vent or part thereof has been covered or concealed.

503.2 Final Water Heater Inspection. This inspection shall be made after work authorized by the permit has been installed. The Authority Having Jurisdiction will make such inspection as deemed necessary to be assured that the work has been installed in accordance with the intent of this code. No appliance or part thereof shall be covered or concealed until the same has been inspected and approved by the Authority Having Jurisdiction.

504.0 Water Heater Requirements.

504.1 Location. Water heater installations in bedrooms and bathrooms shall be in accordance with one of the following [NFPA 54:10.28.1]:

swing easily and freely, and shall be equipped with a self-closing device to cause the door to close and latch each time it is opened. The closing mechanism shall not have a hold-open feature.

504.1.2 Gasketing. Gasketing on gasketed doors or frames shall be furnished in accordance with the published listings of the door, frame, or gasketing material manufacturer.

Exception: Where acceptable to the Authority Having Jurisdiction, gasketing of non-combustible or limited-combustible material shall be permitted to be applied to the frame, provided closing and latching of the door are not inhibited.

504.2 Vent. Water heaters of other than the direct-vent type shall be located as close as practical to the chimney or gas vent.

504.3 Clearance. The clearance requirements for water heaters shall comply with Section 504.3.1 or Section 504.3.2.

504.3.1 Listed Water Heaters. The clearances shall not be such as to interfere with combustion air, draft hood clearance and relief, and accessibility for servicing. Listed water heaters shall be installed in accordance with their listings and the manufacturer's installation instructions.

504.3.2 Unlisted Water Heaters. Unlisted water heaters shall be installed with a clearance of 12 inches (305 mm) on all sides and rear. Combustible floors under unlisted water heaters shall be protected in an approved manner. [NFPA 54:10.28.2.2]

TABLE 501.1(1)
FIRST HOUR RATING¹

Number of Bathrooms	1 to 1.5			2 to 2.5			3 to 3.5			
	1	2	3	2	3	4	3	4	5	6
Number of Bedrooms	42	54	54	54	67	67	67	80	80	80
First Hour Rating, ² Gallons										

For SI units: 1 gallon = 3.785 L.

Notes:

- ¹ The first hour rating is found on the "Energy Guide" label.
- ² Solar water heaters shall be sized to meet the appropriate first hour rating as shown in the table.



June 12, 2017

Frank Stanonik
Air-Conditioning, Heating, and Refrigeration Institute
2111 Wilson Blvd., Suite 500
Arlington, VA 22201

Re: IAPMO Standards Council Decision
TIA UPC-004-15
Decision date: June 12, 2017**
Uniform Plumbing Code – Table 501.1(1)

Dear Mr. Stanonik:

I am transmitting to you herewith the following decision of the Standards Council. At its teleconference meeting on June 8, 2017, the Standards Council considered your request for the issuance of proposed TIA UPC-004-15 in the 2015 edition of the *Uniform Plumbing Code*. The proposed Tentative Interim Amendment requested revisions to Table 501.1(1) as follows:

TABLE 501.1(1) FIRST HOUR RATING¹

Number of Bathrooms	1 to 1.5			2 to 2.5				3 to 3.5			
Number of Bedrooms	1	2	3	2	3	4	5	3	4	5	6
First Hour Rating, ² Gallons	42 38	54 49	54 49	54 49	67 62	67 62	80 74	67 62	80 74	80 74	80 74

For SI units: 1 gallon = 3.785 L

Notes:

- 1 The first hour rating is found on the “Energy Guide” label.
- 2 Solar water heaters shall be sized to meet the appropriate first hour rating as shown in the table.

Prior to the June 8 teleconference, the proposed TIA was balloted through the Plumbing Technical Committee in accordance with the Regulations Governing Committee Projects to determine if there existed the necessary three-fourths majority support on technical merit and emergency nature to establish the recommendation for issuance. The ballot passed on both accounts.

In determining whether or not to issue a TIA, the Council looks to the TC letter ballot for a recommendation of support and, in this case, that support exists. Upon a full review and consideration of all of the information available to it, the Council agrees with the substantiation submitted by proponent and thus voted to accept the recommendation of the Technical Committee and issue proposed TIA UPC-004-15 as noted above.

IAPMO Standards Council Decision
TIA UPC-004-15
Decision date: June 12, 2017**
Uniform Plumbing Code – Table 501.1(1)

Sincerely,



Gabriella Davis
Secretary, Standards Council

CC: Monte Bogatz, Executive VP & General Counsel
Lynne Simnick, Sr VP Code Development
IAPMO Standards Council
Members of the Plumbing TC

****NOTE:** Participants in IAPMO’s codes and standards making process are advised that limited review of this decision may be sought from the IAPMO Board of Directors. For the rules describing the available review and the method for petitioning the Board of Directors for review, please consult Section 1-7 of the *IAPMO Regulations Governing Committee Projects* and the *IAPMO Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council*. **Notice of the intent to file such a petition must be submitted to the Petitions Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter.** As this document is an American National Standard (ANS), any persons who have directly and materially affected interests by this decision have the right to appeal to ANSI in accordance with ANSI procedures.

IAPMO Regulations Governing Committee Projects
Section 1-7

1-7 Petitions to the Board of Directors.

1-7.1 General. The Standards Council has been delegated the responsibility for the administration of the codes and standards development process and the issuance of Documents. However, where extraordinary circumstances requiring the intervention of the Board of Directors exist, the Board of Directors may take any action necessary to fulfill its obligations to preserve the integrity of the standards development process. Anyone seeking such intervention of the Board of Directors may petition the Board of Directors concerning Standards Council action on any matters. Such petitions shall be filed and processed in accordance with the Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council.

1-7.2 Notice of Intent to File the Petition. Anyone wishing to petition the Board of Directors concerning an Standards Council action related to the issuance of a document, shall file a Notice of Intent to File a Petition within 15 days following the Standards Council action. A Standards Council action related to the issuance of a document includes any action of the Council that issues or returns a Document or that affects the text of a Document. Petitions concerning other Standards Council actions shall be filed within a reasonable period of time.

1-7.3 Effect of Filing. The filing of a Petition will not serve to stay the effective date of a Document or a Tentative Interim Amendment unless the Executive Director of the Association or the Board of Directors acts, pursuant to 4-7.2 or 5-6, to delay the effective date. Any Petition pending at the time a Document or Tentative Interim Amendment becomes effective will be treated as a Petition to withdraw the Document or Tentative Interim Amendment.

1-8 Use of Visual Aids and Demonstrations Before the Standards Council or Board of Directors. The policy for the use of visual aids and physical demonstrations to the Standards Council and Board of Directors shall be the same as that required for TCCs, TCs, and Task Groups, in accordance with 3-3.3.3(e) and 3-3.3.3(f).

**IAPMO Regulations Governing Petitions to the Board of Directors
from Decisions of the Standards Council**

ADOPTED BY THE IAPMO BOARD OF DIRECTORS SEPTEMBER 4, 2000. Amended in January 2007.

Section 1 Scope of and Authority for these Regulations.

(a) These regulations have been issued by the Board of Directors pursuant to its authority under Article 5, 6 and 8 of the IAPMO Bylaws.

(b) These regulations set forth the procedures to be used for the filing and processing of all petitions to the Board of Directors filed pursuant to 1-7 of the Regulations Governing Committee Projects.

(c) The Board of Directors can amend these regulations from time to time and waive or supplement, in whole or in part, at any time or times at its discretion.

(d) For the purposes of these regulations, the Standards Council Secretary, or such other person as the Chair of the Board of Directors may appoint, shall act as a petitions clerk.

Section 2 Subcommittees of the Board of Directors. Unless the Board of Directors otherwise orders, the authority to consider and make recommendations on the disposition of a petition by the Board of Directors shall be delegated to a subcommittee of the Board of Directors, which shall be appointed, in accordance with 2.1 of these regulations. Subcommittees shall be appointed by the Chair of the Board of Directors.

2-1 Composition of Subcommittees. Subcommittees shall consist of three or more members of the Board of Directors. The criteria for selection and appointment of subcommittee members shall be as follows:

(a) A subcommittee member shall be a person who can decide the petition on the merits in an impartial manner.

(b) A subcommittee member shall not have any conflict of interest. (A conflict of interest is defined as any situation in which a decision on a petition could substantially and materially affect the member's financial or business interest.)

(c) Each subcommittee member shall, to the extent practicable, represent diverse interests within the association.

In making a decision of whether or not to serve on a subcommittee, the member may consult with the IAPMO general counsel.

Section 3 The Scope of Review. The petitioner shall generally confine the argument in the petition to matters that were presented below and shall not raise any new matters that could have but were not presented within the standards development process. A petition to the Board of Directors shall not be regarded as simply another opportunity to reargue a position that was rejected by the Standards Council. In considering a petition, the subcommittee shall give due deference to the judgment of the Standards Council and shall not intervene unless it can be demonstrated that extraordinary circumstances exist requiring the Board of Director's intervention to protect the integrity of the standards development process.

Section 4 The Record. In its consideration of the petition, the subcommittee shall have before it the entire record that was before the Standards Council, as well as all proceedings and decisions of the Standards Council on the issue. In addition, the subcommittee may consult any other records of the association that it deems pertinent to the issue, and the subcommittee may seek technical assistance from staff, the technical committee, or any other source or persons that it deems appropriate.

Section 5 Notice of Intent to File the Petition. Anyone wishing to petition the Board of Directors concerning a Standards Council action related to the issuance of a document, shall file a Notice of Intent to File a Petition within 15 days following the Standards Council action. A Standards Council action related to the issuance of a document includes any action of the Council that issues or returns a document or that affects the text of a document. Petitions concerning other Standards Council actions shall be filed within a reasonable period of time.

Section 6 Filing and Contents of the Petition.

(a) Within 15 days following the receipt of the notice of intent to file, or within such other time as the petitions clerk may allow, the petitioner shall file the petition together with 20 copies. The petition shall be no more than 10 pages in length and shall contain, in separately denominated sections, the following:

(1) Name, affiliation, and address of the petitioner;

(2) Statement identifying the particular Standards Council action to which the petition relates;

(3) Argument setting forth the grounds for the petition and, in particular, addressing why there exist extraordinary circumstances requiring the intervention of the Board of Directors (see the preceding Section 3 and 1-7 of the Regulations Governing Committee Projects); and

(4) Statement of the precise relief requested.

(b) Any part of the record related to the standards development process that is referenced or discussed in the petition should be clearly cited in the petition using available markings such as the title, author, date, and page of the record. Since the full record will be available to the subcommittee during its review, attachments and appendices shall not accompany the petition, unless express permission has been obtained from the petitions clerk.

Section 7 Consideration of the Petition.

7-1 Initial Review. The petitions clerk may, at his or her discretion, arrange for initial review of the petition by meeting, correspondence, or telephone conference. If upon such initial review of the petition and any relevant portions of the record, the subcommittee determines that the petition has no merit, it may dismiss the petition.

7-2 Full Review. If initial review is not conducted, or, if upon such review, the subcommittee determines that further review is warranted, it shall afford the opportunity for responses to be filed by interested parties. Responses, together with 20 copies, shall be filed within 15 days or within such other time as the petitions clerk may allow.

(a) Responses shall be no more than 10 pages in length and shall contain, in separately denominated sections, the following:

(1) Name, affiliation, and address of the respondent;

(2) Statement identifying the petition to which the response relates and stating whether the respondent supports or opposes the petition; and

(3) Argument setting forth the grounds for opposing or supporting the petition and, in particular, addressing why there does or does not exist extraordinary circumstances requiring the intervention of the Board of Directors (see the preceding Section 3 and 1-7 of the Regulations Governing Committee Projects).

(b) Any part of the record related to the standards development process that is referenced or discussed in a response should be clearly cited in the response using available markings such as the title, author, date, and page of the record. Since the full record will be available to the subcommittee during its review, attachments and appendices shall not accompany the response, unless express permission has been obtained from the petitions clerk.

(c) So as to avoid unnecessary repetition and duplication of effort, parties are encouraged to file joint responses where possible and appropriate.

(d) Unless a hearing has been requested and granted by the subcommittee (see Section 8), the subcommittee shall, either by meeting or telephone conference, review and render a decision on the petition based on the written submissions of the parties and the record before it.

Section 8 Requests for Hearings. If the petitioner requests a hearing on the petition and that hearing is granted, the petitioner shall be assessed a filing fee of \$2,500 to be posted following the granting of the request. This fee may be reduced or waived by the Executive Director upon application of the petitioner if good cause for reducing or waiving the fee is presented. If a hearing is granted, the Procedures for Hearings shall be followed.

Section 9 Waiver of Regulations. Any of the deadlines or requirements set forth in these regulations may be waived by the subcommittee upon application of the petitioner or any other party for good cause shown, or in the discretion of the subcommittee.

Section 10 Subcommittee Report to the Board of Directors. The subcommittee shall file with the Board of Directors a written report concerning each petition that it has determined.

IDAHO PLUMBING BOARD

Agenda Item No. 08

Program Manager Report

PRESENTER: John Nielsen, Plumbing Program Manager

OBJECTIVE: Provide an update on the Plumbing program's current activities.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled Idaho Plumbing Board meetings.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: No documentation



IDAHO PLUMBING BOARD

Agenda Item No. 09

Compliance Program Report

PRESENTER: Amy Kohler, Compliance Program Specialist

OBJECTIVE: Provide an update on the statewide compliance program.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled Idaho Plumbing Board meetings.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: NOV Code Cases Report

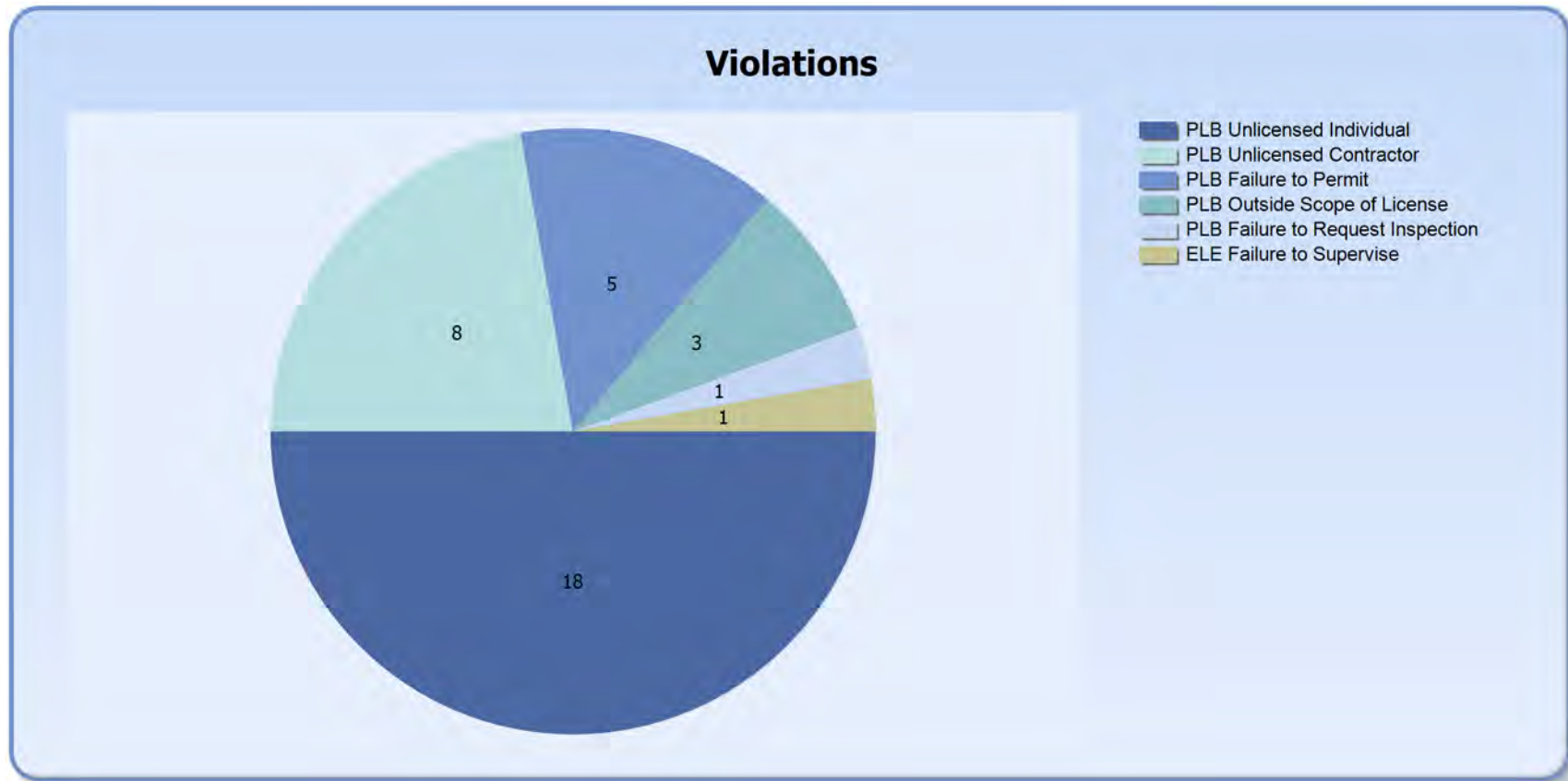




PLB% NOV Activity by Date

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23 Cases 36 Violations



CASE NO	STARTED	CLOSED	Case Type	FEES CHARGED	FEES PAID	BALANCE DUE	STATUS	OFFENDER
PLB1710-0001	10/16/2017		NOV	\$300.00	\$0.00	\$300.00	ACTIVE	Shane Ashton
VIOLATION: PLB Unlicensed Contractor								
VIOLATION: PLB Unlicensed Individual								
PLB1710-0002	10/16/2017		NOV	\$300.00	\$0.00	\$300.00	ACTIVE	ROBERT LOWE
VIOLATION: PLB Unlicensed Contractor								
VIOLATION: PLB Unlicensed Individual								
PLB1710-0004	10/19/2017		NOV	\$0.00	\$0.00	\$0.00	ACTIVE	JOHNSON TRUCKING & EXCAVATION
VIOLATION: PLB Failure to Permit								
PLB1710-0005	10/19/2017		NOV	\$0.00	\$0.00	\$0.00	ACTIVE	Lloyd Lee
VIOLATION: PLB Unlicensed Contractor								
PLB1710-0006	10/19/2017		NOV	\$0.00	\$0.00	\$0.00	ACTIVE	Scott Douglas Weakly
VIOLATION: PLB Unlicensed Contractor								
VIOLATION: PLB Unlicensed Individual								
PLB1710-0007	10/20/2017	11/20/2017 7	NOV	\$300.00	\$300.00	\$0.00	PAID	ADVANCED PLB & MECH INC
VIOLATION: PLB Failure to Permit								
VIOLATION: PLB Failure to Request Inspection								

PLB1710-0009	10/24/2017	11/14/2017 7	NOV	\$100.00	\$100.00	\$0.00	PAID	Wards Plumbing
VIOLATION: PLB Unlicensed Individual								
PLB1710-0010	10/24/2017		NOV	\$100.00	\$0.00	\$100.00	ACTIVE	Kenneth Keaton Hart
VIOLATION: PLB Unlicensed Individual								
PLB1711-0001	11/9/2017		NOV	\$300.00	\$0.00	\$300.00	ACTIVE	Mark Allen Stokes
VIOLATION: PLB Unlicensed Contractor								
VIOLATION: PLB Unlicensed Individual								
PLB1711-0002	11/14/2017		NOV	\$200.00	\$0.00	\$200.00	ACTIVE	ALL ABOUT PLUMBING
VIOLATION: PLB Unlicensed Individual								
PLB1711-0003	11/22/2017		NOV	\$0.00	\$0.00	\$0.00	CANCELLED	Daniel Angus
VIOLATION: PLB Unlicensed Individual								
VIOLATION: PLB Unlicensed Contractor								
PLB1711-0005	11/22/2017		NOV	\$100.00	\$0.00	\$100.00	ACTIVE	Dallas Lane Bascom
VIOLATION: PLB Unlicensed Individual								
PLB1711-0006	11/22/2017		NOV	\$100.00	\$0.00	\$100.00	ACTIVE	Manuel Gallegos
VIOLATION: PLB Unlicensed Individual								
PLB1711-0007	11/24/2017		NOV	\$0.00	\$0.00	\$0.00	ACTIVE	CHRISTOPHER M MANASCO
VIOLATION: PLB Unlicensed Individual								

PLB1711-0008	11/24/2017		NOV	\$0.00	\$0.00	\$0.00	ACTIVE	JASEN THOMAS
VIOLATION: PLB Unlicensed Individual								
PLB1712-0001	12/1/2017		NOV	\$0.00	\$0.00	\$0.00	CANCELLED	ASPEN ELECTRIC LLC
VIOLATION: ELE Failure to Supervise								
PLB1712-0002	12/1/2017		NOV	\$400.00	\$0.00	\$400.00	ACTIVE	LIBERTY PLUMBING
VIOLATION: PLB Outside Scope of License								
PLB1712-0003	12/1/2017		NOV	\$100.00	\$0.00	\$100.00	ACTIVE	CHANCE K JENSEN
VIOLATION: PLB Unlicensed Individual								
PLB1712-0004	12/1/2017		NOV	\$100.00	\$0.00	\$100.00	ACTIVE	BRANDEN SPANBAUER
VIOLATION: PLB Unlicensed Individual								
PLB1712-0005	12/1/2017		NOV	\$100.00	\$0.00	\$100.00	ACTIVE	BARRY HEATH
VIOLATION: PLB Unlicensed Individual								
PLB1712-0006	12/1/2017		NOV	\$100.00	\$0.00	\$100.00	ACTIVE	MASON R BLETENBERG
VIOLATION: PLB Unlicensed Individual								
PLB1712-0007	12/14/2017		NOV	\$0.00	\$0.00	\$0.00	ACTIVE	Cody Wayne

VIOLATION: PLB Failure to Permit
VIOLATION: PLB Outside Scope of License
VIOLATION: PLB Unlicensed Contractor
VIOLATION: PLB Unlicensed Individual
VIOLATION: PLB Failure to Permit
VIOLATION: PLB Outside Scope of License
VIOLATION: PLB Unlicensed Contractor
VIOLATION: PLB Unlicensed Individual

PLB1712-0008	12/19/2017	1/3/2018	NOV	\$100.00	\$100.00	\$0.00	PAID	McCREA PLUMBING & HEATING INC
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VIOLATION: PLB Failure to Permit

Total Cases: 23				\$2700.00	\$500.00	\$2200.00		
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IDAHO PLUMBING BOARD

Agenda Item No. 10

Administrator

PRESENTER: Chris L. Jensen, Administrator

OBJECTIVE: Provide an overview of the Division's current activities.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled Idaho Plumbing Board meetings.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: No documentation



IDAHO PLUMBING BOARD

Agenda Item No. 10a

Financial Report

PRESENTER: Chris L. Jensen, Administrator

OBJECTIVE: Review the Idaho Plumbing Board Financial Report.

ACTION: Informational

BACKGROUND: This topic is addressed at all regularly scheduled Idaho Plumbing Board meetings.

**PROCEDURAL
HISTORY:**

ATTACHMENTS: Financial report





Division of Building Safety
 IDAHO PLUMBING BOARD FUND 0229-03
 Fiscal Year 2018 Financial Statements
 As of 11/30/2017

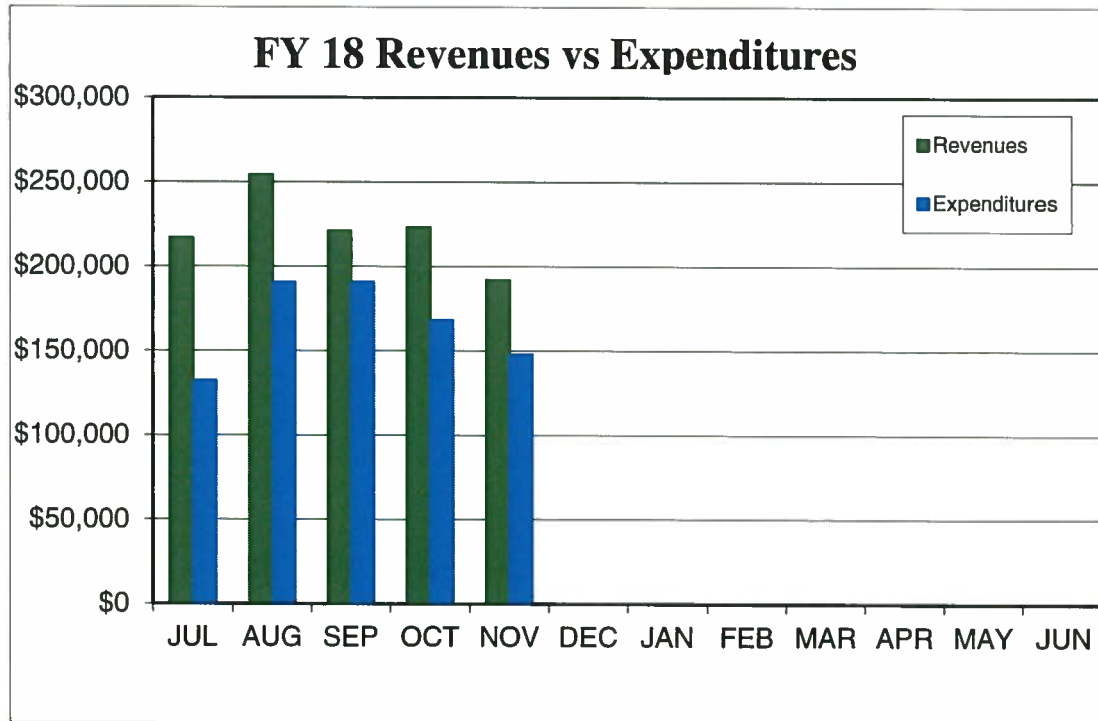
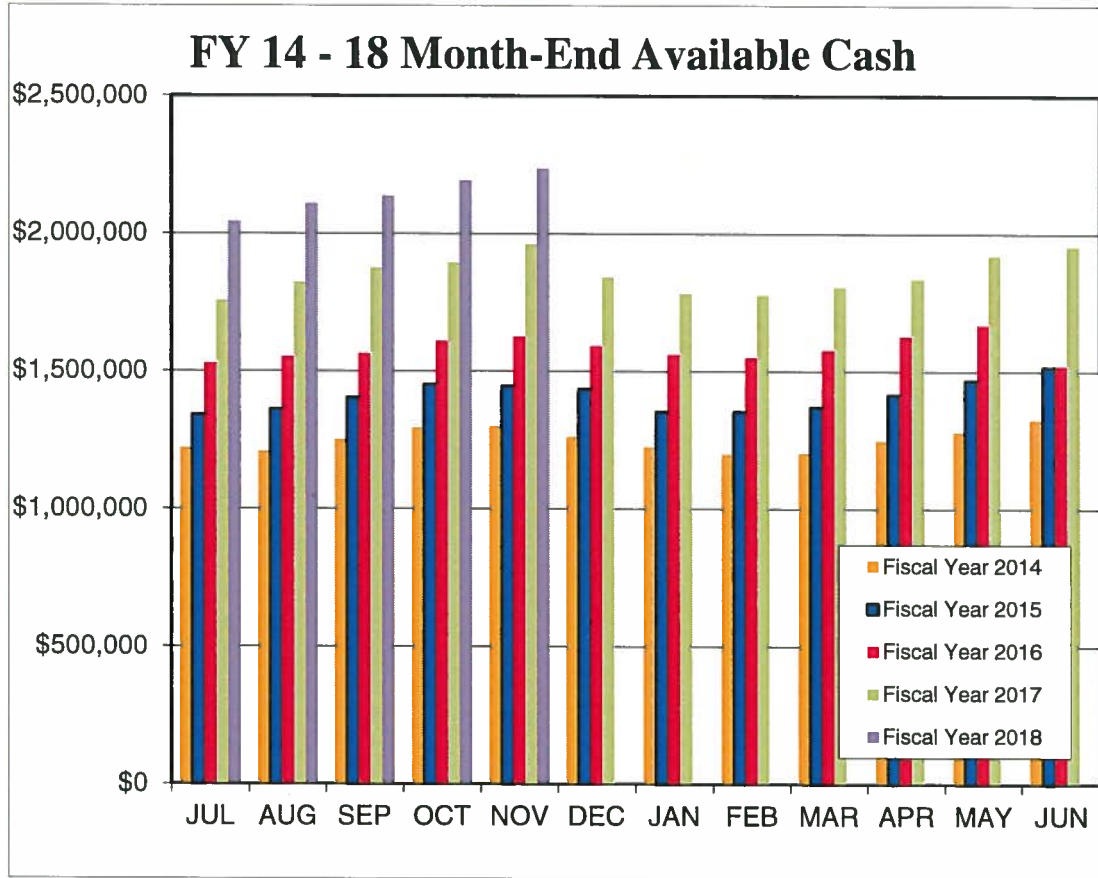
Statement of Revenues and Expenditures

Class	Budget	Fiscal Year To Date	YTD as a % of Budget	Remaining Budget	Projected for Remainder of Year	Projected Year End Totals	Projected Total as a % of Budget
Revenues:	2,049,900	1,106,255	54.0%	943,645	1,170,832	2,277,087	111.1%
Expenditures							
Personnel:	1,595,200	600,435	37.6%	994,765	1,020,739	1,621,174	101.6%
Operating:	327,900	139,851	42.7%	188,049	165,322	305,172	93.1%
Capital:	126,800	89,009	70.2%	37,791	37,791	126,800	100.0%
Total Expenditures	2,049,900	829,295	40.5%	1,220,605	1,223,852	2,053,146	100.2%
Net for FY 2018	-	276,960			(53,020)	223,940	

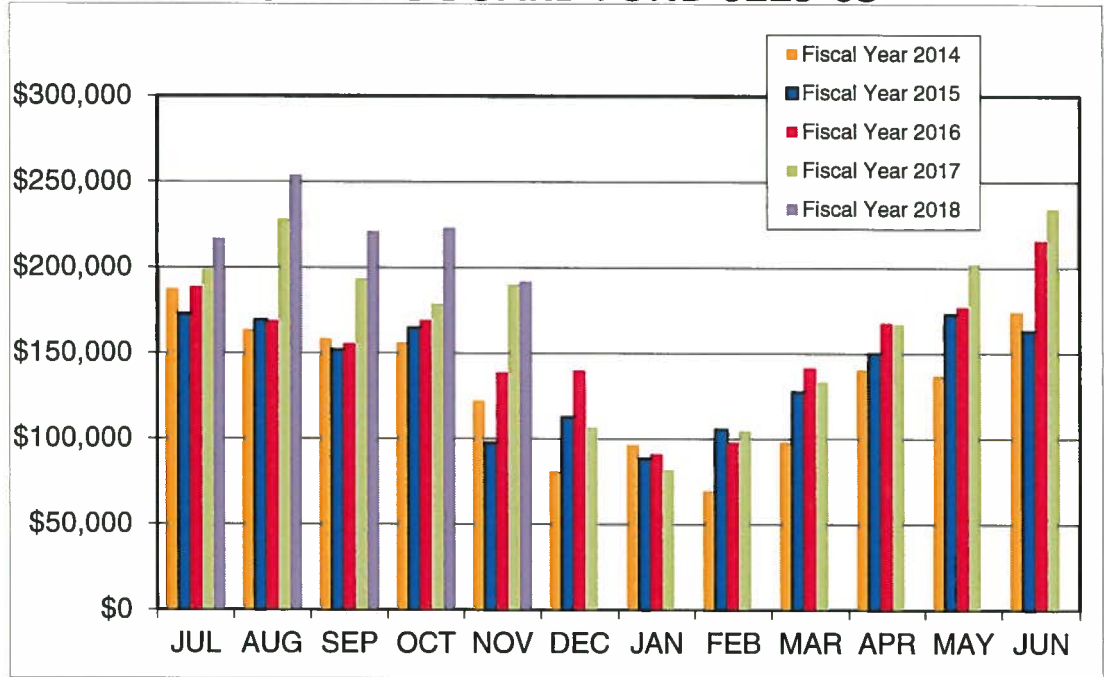
Statement of Cash Balance

July 1, 2017 Beginning Cash Available	Fiscal Year to Date Revenues	Fiscal Year to Date Expenditures and Encumbrances	Other Changes in Cash	Available Cash as of November 30, 2017	Projected Change in Cash for Remainder of Year	Projected Year End Available Cash
1,954,648	1,106,255	(829,295)	3,974	2,235,583	(53,020)	2,182,563

IDAHO PLUMBING BOARD FUND 0229-03



IDAHO PLUMBING BOARD FUND 0229-03



FY 14-18 Expenditures

