

HOUSE BILL REPORT

SHB 1876

As Passed House:

March 12, 2007

Title: An act relating to certification of mechanics performing heating, ventilating, air conditioning, refrigeration, and gas piping work.

Brief Description: Finding that HVAC/R mechanic certification laws may need to be modified and that a trade coordination panel may need to be established.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood and Ormsby).

Brief History:

Committee Activity:

Commerce & Labor: 2/16/07, 2/27/07 [DPS].

Floor Activity:

Passed House: 3/12/07, 90-6.

Brief Summary of Substitute Bill

- Expresses legislative finding that heating, ventilating, air conditioning, and refrigeration mechanic certification laws may need to be modified, and that a trade coordination panel may need to be established.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

Minority Report: Without recommendation. Signed by 3 members: Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member and Crouse.

Staff: Jill Reinmuth (786-7134).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

State laws require registration or licensure for construction, electrical, and plumbing contractors, and certification for electrical administrators, electricians, and plumbers. These laws are administered and enforced by the Department of Labor and Industries (Department).

Depending on the type of heating, ventilating, air conditioning, and refrigeration (HVAC/R) work that a contractor performs, state law may require that the contractor be registered as a general or specialty construction contractor or licensed as an electrical contractor or both. If the contractor performs electrical work, the contractor must be licensed as an electrical contractor, and employ a certified electrical administrator and certified electricians. The electricians may be certified as journeyman electricians or as HVAC/R specialty electricians. Local ordinances in a number of cities require persons performing HVAC/R work to obtain additional certification. Some require certification for mechanical work and gas fitting work. Others require certification for heating oil and air conditioning/refrigeration work.

In 2004, the Legislature directed the Joint Legislative Audit and Review Committee (JLARC) to conduct a study to evaluate the state's rules relating to the licensing and testing requirements for HVAC/R contractors and installers, and to develop recommendations for modifications in licensing and testing requirements.

In 2005, the JLARC issued the study, which included the following recommendation:

"Based on JLARC's survey of contractors, and our review of certification requirements of Washington cities and models of other states, certifying other aspects of HVAC/R work may be an option for the state to consider. To provide policy makers and industry with a better sense of possible options, [the Department] should provide fiscal and public safety estimates of scenarios that would certify other aspects of HVAC/R work."

In 2006, the Department organized the HVAC/R Task Force, which consisted of business and labor representatives from the HVAC/R, electrical, plumbing, and sheet metal industries. A regulatory alternatives subcommittee considered various options for regulation of the HVAC/R industry. The subcommittee was not able to reach consensus on a single option, but agreed to include five options in a final report.

Summary of Substitute Bill:

The Legislature finds that HVAC/R mechanic certification laws may need to be modified, and that a trade coordination panel may need to be established.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which it is passed.

Staff Summary of Public Testimony:

(In support) We recognize that this bill will change the industry, but think that it is a good step forward. The HVAC/R is a separate industry that should be regulated separately.

There are many myths about this bill. For example, some say it will take 12 years to get a license. That is not true. It allows hours to be counted concurrently for electrical and HVAC/R certification. It does not eliminate training programs. It does not prevent out-of-state contractors from working in Washington. It also includes a grandfather clause for workers already in the industry.

The HVAC/R mechanics should be subject to more stringent certification requirements. They need to be appropriately trained.

We are committed to working with the other stakeholders.

(Opposed) This bill was never examined by the task force. It creates a competitive disadvantage for many in the industry. It shuts some workers out of the industry, and forces others -- even ones with 20 years of experience -- to become trainees. It will not help consumers. It may seriously harm them.

The training and experience requirements are excessive. They are just too high. Since HVAC/R involves three different crafts (mechanical, electrical, and plumbing), a worker will need 12 years of experience to be certified in all three crafts. This bill doesn't amend the electrical and plumbing statutes. There should be just one certificate.

There should be exemptions for property management firms and maintenance workers, especially those who are making like-in-kind replacements of certain equipment.

The grandfather clause applies to some, but not all, workers in the industry.

There are conflicts with apprenticeship program requirements. These conflicts would cause us to discontinue using apprentices.

This bill dictates union standards for open shop contractors.

The gas piping provisions are problematic and unnecessary. Gas company workers would not be able to hook up propane tanks without certification. This requirement would increase costs for consumers and discourage use of a clean fuel.

The well drilling bill would be a better model. We should promote certification, rather than discourage it.

Forty states regulate the HVAC/R industry less than Washington currently regulates the industry. The risk in the industry is low. There are few complaints about HVAC/R work. There is not a public safety issue.

The Legislature or the Department of Labor and Industries, rather than one part of the industry, needs to lead this discussion.

This bill is not ready for prime time.

Persons Testifying: (In support) Tonia Sorrel-Neal, Sheet Metal and Air Conditioning Contractors of Western Washington; Pete Crow, Washington State Association of Plumbers and Pipefitters; Larry Stevens, National Electrical Contractors Association and Mechanical Contractors Association; Dale Wentworth, Seattle Area Pipe Trade JATC; Jody Robbins, Western Washington Sheet Metal JATC; Mark Gruger, Mechanical Contractors Association; and Tracy Prezeau, International Brotherhood of Electrical Workers Local 76.

(Opposed) Karen Peacey, Curt Anderson, Harold Hays, and Brian McGuire, Washington State HVAC/R Association; Dan Johnson, Merit Mechanical; David Westberg, Stationary Engineers, and AFL-CIO; John Thompson, James Burnson, and Christian Dube, International Union of Operating Engineers Local 286; Tena Risley, Northwest HVAC/R Association; Rod Kauffman, Building Owners and Managers Association; Rick Slunaker, Associated General Contractors; James Curry, Northwest Propane Gas Association; Jim King, North American Technician Excellence; and Kathleen Garrity, Associated Builders and Contractors.

Persons Signed In To Testify But Not Testifying: Tom Allen, Acme Energy Service; James Burnson, Western Washington Stationary Engineers; Daniel Crawford, Terry Poe, and Brian Platte, Washington State HVAC/R Association; and Gary Smith, Independent Business Association.