



State of Idaho
Division Of Occupational and Professional Licenses
State Plumbing Board

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Minutes of 06/16/2022

The meeting commenced at 9:00 AM (MT)

Zero-Based Regulations (ZBR) - 24.39.20

Today's meeting is the first of two required negotiated rulemaking meetings to discuss the proposed changes to IDAPA 24.39.20 *Rules Governing Plumbing*. A copy of the redlines have been provided, as well as an electronic copy posted on the Division's website. In addition to code amendments, the chapter outlines permitting, permitting fees, licensure requirements for plumbing apprentice, journeyman, and contractors, as well as specialty appliance and water pump licenses. To begin fulfilling Executive Order 2020-01: Zero-based Regulation; in August of 2021 DOPL conducted nine informal townhall listening sessions that consisted of general contractors, electricians, plumbers, and HVAC technicians across the state to extract input relating to the IDAPA rule chapters for their industries and how these rules are being interpreted and enforced, focusing on asking questions that would provide answers to fulfill the prospective analysis requirement of ZBR, and explain to industry the intent of the Executive Order. In addition to the townhall sessions conducted in 2021, an informational meeting was held on April 21, 2022.

Part of the ZBR is using a prospective analysis to answer the following questions as to why a rule should exist. Those questions are:

- What is the specific legal authority for this proposed rule? Is there statutory authority and does the statute explicitly require the agency to make this rule or is it discretionary? Does the rule fall under the general rulemaking authority of the agency?
- Define a specific problem the proposed rule is attempting to solve. Can the problem be addressed by regulatory measures?
- How have other jurisdictions approached the problem this proposed rule intends to address?
- What evidence is there that the rule, as proposed, will solve the problem?
- What is the anticipated impact of the proposed rule on various stakeholders, including how would stakeholders be involved in the process?
- What cumulative regulatory volume does this proposed rule have? Word count and restrictive word count such as shall, may, may not, prohibited, required.
- How do we reduce the barriers within the rule chapters that are not life threatening and an overreach to industry practices with or without a cost?

In summary, the responses and feedback have differed from region to region. Most people want the mandatory CEU requirements to go away and the licensing requirements to be left alone. There was a lot of discussion on “direct” versus “close” supervision for apprentices.

Executive Officer Nielsen conducted an overview of the redlines in IDAPA 24.39.20 *Rules Governing Plumbing*.

- Section 007-Definitions – “Recognized License” and “Close Supervision” were added.
- 101.04-Expiration of Permit – Deleted and replaced with a new definition.
- 102.01-New Residential – Add “two” to family dwelling table and delete multi-family dwelling.
- 102.05-No Permit – Deleted.
- 201-Licensure History – Changed.
- 202-Apprentice Registration – Deleted.
- 202.02-Schooling Requirements – Deleted.
- 202.03-Journeyman Examination – Deleted.
- 203-Journeyman – Changed to include two options to qualify for journeyman.
- 204-Plumbing Contractor – Omitted the out of state application section. It was suggested to combine a. and b. because currently a. alone gives the impression there is no exam required.
- 204.05-Reviving an Expired License – Deleted, duplicative of statute.
- 205-Applications – Deleted.
- 206-Examinations – Moved to previous section.
- 207-Certificates of Competency – Deleted, duplicative of statute.
- 301.03-Section 314.4. Excavations – Deleted.
- 301.06-Section 407.4. Transient Public Lavatories – Deleted.
- Table 501.1(1) First Hour Rating – This only applies to electrical water heaters. The proposal is to delete the chart.
- 301.30-703.1. Minimum Size – Delete “or below a basement or cellar”.
- 301.44.a-Roof Venting – Deleted.
- Subchapter D-Civil Penalties – Was not changed.

Darryl Nelson asked on sidewall venting if there should be something for new residential homes that does not have a metal roof. Executive Officer Nielsen said this can be left up to homeowners and given options.

Adjournment

The meeting adjourned at 9:40 a.m. (MT)

08/11/2022lp