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L&I - Electrical Board Meeting

MEETING

October 26, 2023

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L&I - Electrical Board Meeting - October 26, 2023

DEPARTMENT OF LABOR AND INDUSTRIES

STATE OF WASHINGTON

ELECTRICAL BOARD MEETING

TRANSCRIPT OF PROCEEDINGS

OCTOBER 26TH, 2023

9:00 A.M. PST

PAGES 1 THROUGH 167

Red Lion Pasco, Silver Room
2525 North 20th Avenue
Pasco, Washington 99301

CERTIFIED TRANSCRIPT

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A G E N D A

BE IT REMEMBERED that an Electrical Board Meeting was held at 9:00 a.m., PST, Thursday, October 26, 2023, at the Red Lion Inn, 2525 No. 20th Avenue, Pasco, Washington.

Board Members present:

Jason Jenkins, Chairperson/Electrician
Wayne Molesworth, Secretary, Chief Electrical Inspector
Jack Knottingham, Electrician
Edward Stimmel, Telecom Provider
Erick Lee, Electrician
Ivan Isaacson, Manufacturer
Ben Blohowiak, Board AAG
Mike Nord, Telecom Worker
Dylan Cummingham, Engineer/RCCD
Don Baker, Electrical Contractor
James Tumelson, Building Official
Bobby Gray, Electrical Contractor
Kerry Cox, Telecom Contractor
Dominic Burke, Electrical Contractor Associate

WHEREUPON, the following proceedings were held, to wit:

--ooOoo--

CHAIRPERSON JENKINS: Well, good morning. It is October 26th here in Pasco, Washington. We'll call the meeting to order at 9 o'clock.

Thanks, everyone, for attending. I know some of you had to travel quite a bit to get here, and I appreciate you all being here. I think this is the full board as far as for the record and we do have a quorum.

And the first item on our list here is Safety Message, so I've asked our Secretary, Wayne Molesworth, to please give us some safety for the day.

SECRETARY MOLESWORTH: Thank you, Mr. Chair.

You know, as you guys may be watching the news over the last day or so, we've wound up with more shootings. And I think this is a great time to, you know, keep in our minds that we need to make sure and protect our families and our neighbors and keep an eye out. If you see something, say something.

Always keep your head on a swivel. Be looking for things. Understand where your exit points are at whenever you enter buildings of multiple. You know, where

we can put a lot of people into it, high-capacity buildings because those are targets, you know, and so just do that.

The other thing is that many times we don't understand from a personal safety aspect on construction sites. And we've all been involved in construction sites at one time or another. We have staff that do that sometimes so we don't recognize confined space for example, came up in conversation this morning.

And confined spaces are permitted and non-permitted confined space. And one of them has hazards involved in it, and the other one has limited egress to it.

And so, for example, the electrical inspectors are limited to their access to attics and crawl spaces, because they are considered confined space. So I know that many of you have heard that they are limited to being in those places. And I just wanted to tell you that they are. And that you should also work with your staff and your families and understand what that -- the confined space can look different to everybody.

You know, we've all worked in the industry for a long time and we might not think of an attic as a crawl space. But if you were to break an arm up in the attic, maybe you got twisted up in the rafters or something,

maybe there was some electrical wires up there where you were shocked and were injured, how do you get that individual out of that hole and get them immediate help, right. And so those are all concerns with construction sites and with different things like that.

Also, in your homes and understanding what happens "if." And keep those things in mind. So that's my safety topic for the day, just your personal safety.

CHAIRPERSON JENKINS: Thank you very much. Appreciate that.

So moving on to our approval of the transcripts from July 27th, 2023. As the chairman, we need a motion.

BOARD MEMBER NORD: Motion.

BOARD MEMBER BURKE: Second.

DON BAKER: This is Board Member Baker. I have a correction for on page 49, line 3 and 5 state Board Member Burke, it should say Board Member Baker.

CHAIRPERSON JENKINS: Thank you.

Also a slight correction on page 82, line 19. There is a part here where it says "the motion on the floor right now is to affirm the ALJ's decision and to reapply the Department's decision." It's supposed to be to "appeal the ALJ's decision and to reapply the Department's decision."

It's based on our, the case with the ground

being cut. When we went back to the original order, so we have to appeal the ALJ decision.

So any other corrections or changes? So other than those changes, all in favor say, "Aye."

(Collectively.) Aye.

CHAIRPERSON JENKINS: Any opposed? Hearing none, the motion passes.

So moving onto appeals. We have somebody here from General Construction Company, and someone here for the Department.

JOHN BARNES: My name is John Barnes. I'm an assistant attorney general and I represent the Department of Labor & Industries. There is no one from General Construction Company here. We ended up settling this matter yesterday.

As you recall, this was the one, General Construction Company, was heard at the July meeting and it was kicked over to this meeting in the hopes that we could come to some sort of an agreement. I'm happy to report that we did and that the paperwork should be coming shortly.

CHAIRPERSON JENKINS: Perfect. Thank you very much. Well, given that, I thank you and I appreciate your time. I guess we'll be done with the appeals for the day.

Moving onto Item No. 4:

Department/Legislation/Rulemaking update, Mr. Larry Vance.

LARRY VANCE: It will take me just a second to get some power. I may run out. I have to get an extension cord. And I'm paperless, but there's a price.

CHAIRPERSON JENKINS: Does everyone have a copy of the proposed rules and changes? I'm assuming that's yes, okay.

LARRY VANCE: Okay. Sorry about all that. It's a state computer and it takes a few minutes to get it up and running sometimes.

So just a little background here. We've been at this for some months. Now, with this rulemaking we've advertised for a technical advisory committee, advertised for proposals. The technical advisory committee met on July 11th, went through all of the outside proposals, and the parliament's proposals, and provided the Department with advice.

The Department took that advice forward, and there was some work to be done on some of the proposals. And with the advice that we received, we moved forward. And what you were all sent to review is the product of that advice. There was three board members, I believe, involved in the technical advisory committee. Let's see, one two, looking for a third -- yes, they're all here.

And it was -- I've been in this position for

about 17 years now, and every time there is a technical advisory committee convened, it's always just wonderful the amount of knowledge that's in the room, with that cross-section, it's a cross-section of all of the electrical specialties and contractors, mixed in with some engineers and board members and city inspectors and state inspectors. And it's just always really just a great thing to get all of that perspective. And we're always -- afterward, we always comment to each other about "wow, that was -- that was something."

But these people, the other thing that they do is they do it all. You know, we don't provide anybody, you know we don't pay anybody to come. You know, it's a voluntary thing because people care about the industry. So that's always really pleasing to see.

Did everybody have time to go through the rules and read the rules? And is there anything in the rules that is concerning or that you would like to learn more about? I don't really, at this time, I don't want to go through each rule change, because there is an awful lot of, you know, changes and comments -- and, I mean, we can do that, but it might be a quite laborious, so just how would you like to proceed?

CHAIRPERSON JENKINS: I think we all have a copy of these and if we start to roll down and take items. I

know I have a couple of comments that I want to make on one or two items. But that way we kind of hit, so we don't miss anything.

I guess you could say historically when we've done this, we have a big old projector show this thing on the board as we go through. We don't have that here.

LARRY VANCE: Yeah.

CHAIRPERSON JENKINS: But I'm assuming everyone has a copy in front of them and can actually scroll down through this. That may be the best way to go through this, that way we're not missing anything.

LARRY VANCE: Right.

CHAIRPERSON JENKINS: And considering we have a very, very light agenda today, we can just spend more time on it.

LARRY VANCE: We can go into the rules. We certainly can do that. Let's see ...

CHAIRPERSON JENKINS: I have one more thing, just a number change. I don't think that's going to be much importance.

BOARD MEMBER GRAY: I just wanted to point out, and I have been one of those that has argued that when we reference a standard, that it needs to have a specific date for that standard in our rules. And my argument is that if you don't do that, you're anticipating in the

future what that standard might say. And I don't like that approach.

However, that said, the most recent edition of the National Electrical Code, as well as other NFPA electrical standards have taken that approach, that they now have an informational note that states that if a standard is referenced without a date, then it's assumed to be the latest edition of the standard.

So I just wanted to put that out there. It might be something for the future. I know we didn't do that in this particular change, but in the future, it might be something that we may want to consider.

LARRY VANCE: Right. There is a date on the National Electric on, NFPA 70, and there's also a notation in there that many of these other conflicts are in -- like when there is a conflict between any other standard and the National Electrical Code, the National Electrical Code prevails. So we do have one date locked in there. Yeah, I understand what you're saying.

All right. I finally figured it out. There we go. I've got a left-hand mouse. I've been sitting here trying to run my computer with my right hand, so it's all going to be faster from here.

So I think Board Member Gray hit on the very first part here. I'm just getting it to where I can see

it, there we go. So in WAC 296-46B-010 general there. This is what Board Member Gray was talking about. That we are -- instead of the 2020 National Electrical Code, we're adopting the 2023 National Electrical Code. And we discussed the approach with the technical advisory committee about updating all of the standards, the dates of all of the standards and what the technical advisory committee advised us to do was to go with the latest, published version. And we went ahead and took that approach.

And here, within that section is the language that says the National Electrical Code will be followed when there is any conflict between the National Electric Code and the ANSI/TIA standards or the NESC. So I'm paraphrasing there a little bit, but so it does make the National Electric Code paramount, those are the standards.

As we roll down there, there is just a little clarification there about we added the words "of standards" in relation to what standards apply in relation to permits, when we go over an adoption, a period of adoption. Because tentatively on April 1st, 2023, the 2023 National Electrical Code will be effective. This particular section in WAC 296-46B-010 speaks to how things work over those transitions. We just added a little bit more clarity there just by adding a couple of words.

Throughout this document, you'll find that the Code Revisor made their Style Manual changes. And it's just strictly correction on whether or not a number a number is spelled out or a number is, in fact, the actual digits. I believe it's everything nine and below is spelled out alphanumeric of how it is spelled and anything greater than a single digit is an actual numeral.

On page 11 of the document just some housekeeping to align with NEC 518.4(B). Also, we've eliminated a section on page, still on page 11 of the document, regarding tamper-resistant receptacles. The code now addresses that.

I've got page thumbnails open on the left-hand side of the document, and I'm just following it down, scrolling down on the page thumbnails until I get to a change, and then I'm addressing the change. So if there is a little gap, I'm scrolling.

I'm on page 21 of the document right now. There is a new definition added. This definition is the result of passed legislation in 2018 Senate Bill 6126, which implemented apprenticeship requirements for those learning to become an 01 journey level electricians. The definition reads "An equivalent apprenticeship program" for the purposes of RCW 19.28.161 (2)(a)(i), means that one is a party to a reciprocal agreement recognized by the

Washington State apprenticeship and training council; that's the WSATC, under WAC 296-05-011(3).

This definition is needed just so that in the electrical law it says that someone must have completed a 4904 apprenticeship, which is a Washington State apprenticeship, or an equivalent apprenticeship. So we needed a definition of what an equivalent apprenticeship was. So, because it exists in the electrical law, we put a definition in the electrical world. So we're kind of married in a little bit with the apprenticeship now. It's an interesting relationship but we're figuring it out.

We're still in the definitions. We're on page 30 of the document. And we're talking about -- we're talking about copies of the RCW. We'll also be talking about copies of the WAC a little further down in the definitions. And we've essentially come to the realization that, as we look around us with others and the way things are all done today, is that we find ourselves too often in the position of selling last year's Sports Illustrated, for instance.

There are some things, some new things that happened last year in sports, but when we're actually selling somebody a copy of the laws and rules, the only accurate copy of the laws and rules is the one that's held by the Code Reviser.

So the Code Reviser, for instance the Washington Administrative Code, they won't even sell you a paper copy of that from the Code Reviser's office any longer. So what we're doing is, is that we're changing -- we're clarifying the definition, that if you were going to make a copy available to you, but it's going to be an electronic one. We've also explored how people can -- how do they access a copy? We'll there's a copy on the Code Reviser website.

What we will do is periodically we will take that copy off of the Code Reviser website and we'll simply condense it, because there is a lot of information, references, that sort of thing that come after particular sections that can be eliminated just for clarity of reading. That information is of no real value. It's not a requirement; it's not a law; it's just reference. So we're going to reduce that.

So there will be a shorter version available electronically that is verbatim. We may just do a little bit of formatting for white space, clean it up just a little bit, and it will have a date on it, so that when somebody downloads it, they know what they're downloading. But it is going to also have a disclaimer on it, "if you want the real laws and rules, go here."

So right now what we have is on our website, we

have a nightmare of insert pages, and just it is a mess. Unfortunately, I hate to report that, but it's not something that we're able to maintain. There's been too many law changes, there's been too many rule changes. And every time we do that, we've got boxes of printed paper that are virtually worthless.

So, the other thing we don't do is that we don't really sell that many anymore. I mean, if anybody wants a law or a rule, they don't go to the paper copy. They just simply type it into their, you know, into their computer. The nice thing about the advances that have been made by the Code Reviser's office is that both the WAC and the RCW are available in PDF. So you're there, and it's in HTML, you're looking at it; you're reading it. Everything looks good, but you can't find what you want, you simply go up to load the PDF version, now you can word-search it.

So if you're looking for something like a phrase like "utility type" work, you type in utility-type work and you can see where it pops up. And it takes you right there. So I'll race anybody that's got a paper copy in their hand any day with an electronic copy. So that's my spiel about that particular change.

On page 35 of the document, it's the same clarification that was made for the RCW. It speaks to electronic copies and substantiates why.

Housekeeping on page 36 and WAC 296-46B-110, strictly aligning -- just aligning the title of this section with the title of NEC 110.3.

If you're following along, then looking to page 38. Page 38 is the whole rendition of statutory authority and all kinds of reference. Those are the kinds of references that we will trim out in our electronic copy.

Page 39, more housekeeping related to the title of WAC 296-46B-210. Again, just aligning the title with the Article 210 title. That was a stakeholder proposal. It was something that we also, that we also kind of keyed on as well. But what we had found was that we had originally labeled all of the titles to all of the sections, using the National Electric Code references, using the National Electric Code numbers system. Everything was good. The thing was that we just hadn't looked at it in probably 20 years, things change.

Page 42, this is a change in WAC-296-46B-210, and 210.52. There's been a lot of, it's always been a difficult thing for inspectors and installers, receptacles and peninsular areas and islands. You have islands that just have legs, they don't have any cabinets. You have islands that are full of appliances and there's no way to the top.

People but receptacles on the face of islands and cabinets. The Consumer Product Safety Commission has found that receptacles that are on the face of cabinets are really a hazard for small children, pets, and the like. There's a cord hanging down. Well, there is a kid that might pull on that Crock-Pot cord and be scalded, the same thing with a pet.

So what the National Electric Code did was they departed from their previous requirement of having receptacles in those locations. They didn't go all the way though, they just said "they're not required." But then they came back and said, if you don't install them, you don't have to make future provisions to install them.

And that's pretty much what it says verbatim. That's not verbatim; that would be paraphrased. But we looked at this and said how are we going to enforce this. What's the future provision, is it cable, is it conduit, do you have to "as-built" it, do you have to spray lines on the floor? How would anybody know how to go back and find that future provision?

You start getting into -- you start getting in buildings like your typical sub 5/2 type of construction. What's under your floor is being looked at by the occupant below. So in a building that was, that had concrete floors in them, for instance, there would be -- what would

the future provision be; would it be a piece of conduit that runs somewhere from the wall out to the island. How would you ever do this? And how could we ever be consistent to make any requirements?

So after running all of that through our heads, we decided that, if something is not required, it's not required. And that's the position that were moving forward with. It's just, if it's not required, it's not required. So that's we proposed.

Questions?

BOARD MEMBER GRAY: So are you going to send out -- because I agree completely. This is really confusing. It's really confusing to try to teach this, as well. So are you going to send out some guidance for everybody to tell them so that there is consistency in installation as well as inspections and enforcement?

LARRY VANCE: Yes. Yeah, we'll definitely publish information in the Electrical Currents Newsletter. Our field supervisors, and I would hope that most of our inspectors, most of our inspectors are already attuned to this change. This was a change that was, I believe, an analysis of changes. So we will make sure that everybody knows about this. Because this is -- this is a very costly thing for an installer and a contractor. You know, where is your future provision at? What do you mean my

future provision?

BOARD MEMBER GRAY: So the other part of that also is face-up receptacles and countertops. So that probably needs some guidance as well. What constitutes an approved receptacle in a work surface or ...

LARRY VANCE: There's a particular listing for it, and it has to do with the rating for a wet location. What we find as inspectors is we will find a furniture plug installed and it's just nothing more than a just a saw hole, drop your plug assembly. There's a retainer ring generally. Those are made for furniture. They're not made for countertops where there's spills.

So there's a particular -- I don't have it memorized -- but there is a particular listing for receptacles that are rated for use in, where they are subject to spills.

BOARD MEMBER GRAY: So that's how you will enforce that is by requiring that device, whatever it is, to be listed for that application?

LARRY VANCE: If somebody chooses to install a receptacle in an island or a peninsula or counter space, then we will inspect it as to, you know, the code. So, yes, we will. I don't expect -- there's a lot of custom homes, there's a lot of places where people are going to want. I mean, this is actually probably from a builder

standpoint, pretty costly to have receptacles in the islands and in some other peninsula counters spaces. So they'll probably put this change -- this will be a cost savings to the building industry.

BOARD MEMBER GRAY: And then we're back to using extension cords for your appliances on the counter top.

LARRY VANCE: I just don't, there's so many receptacles on most countertops though. The idea of running a cord out to a Crock-Pot on the island, I don't know. Maybe that's where you ...

BOARD MEMBER ISAACSON: The countertop requirements for UL are very strict. And there are very few manufacturers that would meet that requirement. So I would encourage you to let the inspectors know that there is a specific UL requirement, a standard floor box, a standard furniture receptacle will not meet those standards.

LARRY VANCE: Yes, we actually have the benefit of having Chris Jensen, who is a -- he is a representative of UL at our last inspector training. And he had a slide that went over the particulars of kind of spill-rated receptacles for countertop use, and then furniture receptacles. The telltale of a furniture receptacle is that it comes with a cord; it comes with a plug, so it's ready to go. The others don't. You have to wire to it.

So, yes, we will -- that will be a newsletter article.

And we're getting to the point where the next step in this process is actually filing what's known as a CR-102. 102 is "here's a copy of the rules that we are moving forward with," and that also opens the official public comment for written comments and we will also have a public hearing.

Page 47, WAC-296-46B-220. Just more housekeeping to align the title with the National Code.

On page 48 of the document, there is a National Electrical Code reference that changed, more than some simple edits to bring this up to date.

Page 49, WAC-296-46B-225, more housekeeping for the title, more housekeeping for updating references.

Page 50 of the document to get a reference here. We're still in WAC-296-46B-225(2)(b). This has to do with the disconnecting means for a feeder as to the inside location. We had some verbiage there that talked about -- this section is massaged a little bit, and it's just strictly massaged a little bit for taking into the fact that you've got a generator, you don't have to have two service ratings. There's just a lot of massaging here and all we did was in (b) we just aligned with NEC 225.31(B). And when we did that, we had to go down here on the lower end of the section and kind of add this

language back up to where we didn't have a requirement for two service rated disconnects, so that's the short version of that change.

We're now on page 57 of the document. For the longest time, we've had a prohibited service conductors being in electrical metallic tubing. And we kind of got into a discussion about why. And there is a lot of good "whys." The fittings of useable EMT, and that's electrical metallic tubing, they're not as robust as a rigid conduit, but yet there are other methods that one could accomplish a ground path and still use the wiring method and not make it a hazard.

So all we've done here is just simply said that electrical metallic tubing can be used as long as you install a supply side bonding jumper. So essentially you're not relying on the conduit; you're not relying on the fittings; you're going to rely on that bonding jumper for fault current.

Too many pictures of poorly -- well, we'll put it this way -- charred lug nuts, arcing and fittings. We feel that this approach, what it does is it allows installers just another option for to use electrical metallic tubing, and under certain circumstances with the supply side bonding jumper.

CHAIRPERSON JENKINS: And a quick question for

you. Was the idea may if you had a fault inside the EMTs, that faults the EMT, may or may not be able to handle that fault, was that brought up at all? PVC obviously isn't going to have any issues, rigid conduit is a very obviously strength is huge. EMT, thinner walls is considered to so you know any type of damage, actual damage to what it actually penetrates against to that conductors. If you're running a conduit through it or a conductor through it, are you still maintaining the requirement of the bonding lock nuts, and it is it going to be able to withstand at that fault?

LARRY VANCE: It would have grounding lock nuts or ground bushings, because you would have to. Otherwise, you would have to choke it back. So you would have both ends bonded just right straight down the line.

So the National Electrical Code currently allows EMT to be used as a service rate 1. The rule, traditionally, has not allowed that. And the change we are making is to ensure the integrity of the ground that supplies that bonding jumper means.

To your point about, if there is a fault in the conduit, I've seen holes blown and rigid. I mean, I understand what you're saying, but I think that -- I think that we've solved the concern, that we, as inspectors, have seen as far as EMT being relied on as the primary

fault or path, or as a primary fault or path.

CHAIRPERSON JENKINS: I just was questioning whether that was brought up at some point or another.

LARRY VANCE: Okay. Yeah. We're comfortable that what we're doing is we're finding kind of a happy medium between prohibiting it and allowing it such, so we're about halfway, right in the middle.

CHAIRPERSON JENKINS: Fair enough. Thank you.

BOARD MEMBER GRAY: Chair, just to follow up on that. Being a grounded system, the grounding conductor is doing exactly the same thing already. So putting in a supply side bonding jumper to me is irrelevant and doesn't fix the problem that Jason brought up, that if you have a fault in your raceway system, it's not going to be carried by that anyway. It's going to be carried by the raceway.

So I'm not sure this did anything other than cost the contractor a little more money to put in another conductor that would just be redundant to what's already in, that's just my opinion.

LARRY VANCE: Yeah, they would have to weigh the difference between running a rigid conduit method and an EMT method with a supply side bonding jumper.

CHAIRPERSON JENKINS: Comments from the Board, concerns?

SECRETARY MOLESWORTH: So, Mr. Chairman, I just

want to say that we will take another look at this because there are some other issues that we may be able to address as well.

LARRY VANCE: We have about four or five days before the CR-102 is filed, so that's where we're currently at.

CHAIRPERSON JENKINS: Concerned, I guess, since you opened that door, what kind of changes are you looking at? Because that's kind of why we're here as to get a "yea" or "nay" as to what we think about it.

SECRETARY MOLESWORTH: Exactly, what Mr. Gray brought up was a very good point as just a parallel path. They terminate at the same points on both ends. So you're just adding a conductor and not really ensuring that. So we'll take another look and see if that's actually appropriate, and if we're adding anything that's substantial to safety.

The other thing that popped in my head as we're talking. I apologize, I had forgotten about was one of the reasons that EMT was not allowed at one point, at least in my recollection, was the seam on a piece of EMT is a very weak point and that has a tendency to split. And that they used to call that the availability for fire spread. So it would split open and expose other flammable materials to that fault, that plate.

So I want to research that a little bit more. That's just from my memory, you know, what I was understanding was one of reasons why that one -- why the NEC allows it, I'm not sure. But we've always been a little bit ahead of that game just for a little bit of extra added safety. So I just want to check through it one more time.

CHAIRPERSON JENKINS: Thank you. Any other questions? Don Baker.

BOARD MEMBER BAKER: Along those lines, I wonder if it came up in the conversation what type of fittings you're using with that EMT, because I know the fact that the engineering required pressure fittings.

SECRETARY MOLESWORTH: You would be looking at cache versus steel, and there's a few things there that I think are important, yeah.

BOARD MEMBER BAKER: Yeah, it's all part of the equation, right?

BOARD MEMBER TUMELSON: One other consideration, was it ever discussed about a bare conductor versus another insulated conductor?

LARRY VANCE: We would just go with what the NEC allows, so it would be a bare conductor would be in insulated conductor.

BOARD MEMBER TUMELSON: Well, I guess if they're

both insulated, the ground and this, you know, supply side bonding jumper in this instance, then it's just a parallel conductor serving the same purpose, if it was a bare conductor we can provide that.

LARRY VANCE: It may be easiest just to stay with the current load. I mean if -- if we're going to get into the -- it's very hard for installers to hit all of the marks. I mean is it steel compression; is it steel set screw; is it die-cast compression. Maybe it's just easiest to be a rigid conduits.

BOARD MEMBER GRAY: Or PVC.

LARRY VANCE: I think I can assume that what I'm just going to make an assumption that what I'm hearing is that the Board is rather ambivalent about the cost savings that could be achieved through this, that it could cause more hazard. That all of the hazards may not be identified, right, from all of our experience, splitting, arcing. Yes. We've all taken apart whole installations and seen what was there. Maybe it's good to stay.

CHAIRPERSON JENKINS: I guess doing that, keep coming back to this. If we go this route, does anybody agree that this is a good idea to leave it the way it stands; anybody have any -- are we okay with that staying the way it is because it sounds like everyone else has some issues that may be --

BOARD MEMBER KNOTTINGHAM: Could you clarify the way it is?

CHAIRPERSON JENKINS: So currently the changes that they're asking for is anybody happy with the changes that this section is talking about?

So I'm seeing that the majority of us disagree with this change.

BOARD MEMBER BAKER: I don't necessarily disagree with making the change. I'm wondering if anybody looked at the Washington State rule allowing EMT over the years and what other states did. Is there any historical data you can look at and say, "Wow, all these other states had all of these kinds of problem, or there's been no problems." So in that case may be in make sense for us to make change to align with what NEC; does that make sense?

SECRETARY MOLESWORTH: It does, but, however, it would probably be hard since most installations are installed fairly safely and correctly with EMT, that there would probably be very little data that we could collect on whether the EMT versus rigid versus PVC versus, right? So it might be very hard to find data like that. We could look, but chances of that documentation for that purpose might be a little thin. But we can look.

BOARD MEMBER GRAY: If you're asking for an opinion, my opinion would be to just follow the language

of the NEC that's being used by 49 other states. It seems like it ought to be adequate for us. That would be my choice.

CHAIRPERSON JENKINS: I'm just trying to keep it so that we can just move forward. Is that the changes made prior to; mixed feelings about this. I guess we move forward. I don't have a good answer for that.

LARRY VANCE: Yeah, it would be quite a departure to just, you know, the section wouldn't exist if we just went with the NEC. What we call out here is, of course, more suitable, a suitable wiring that is for service conductors. We amend the NEC. We make it -- ours more stringent than the NEC.

This is a step more in the middle to allow the EMT as long as you have a supply side bonding jumper. So I guess we'll -- unless the Board has strong feelings about this and the Board would like to and advise us to leave it as status quo? Would they like to advise us to just follow the NEC and maybe eliminate this section.

BOARD MEMBER BAKER: I like keeping it simple. I like aligning with the NEC unless there is a legitimate reason we should not.

BOARD MEMBER KNOTTINGHAM: Yes, I agreed with that, but I don't know if there's time to figure that out yet, I'd rather keep what we have and look at it and maybe

modify it next time. I'm not opposed to modifying it, but there is concerns, I think legitimate concerns. Until we can research that and find out that those concerns are really valid, I would rather keep what we have currently.

BOARD MEMBER CUNNINGHAM: So reading further onto the next page, this is page 58, 070 service equipment --

THE COURT REPORTER: Excuse me. I'm not hearing you very well. Is there a microphone close to you? Thank you.

BOARD MEMBER CUNNINGHAM: As far as Section 070 talks about outside Location, service disconnecting means will be permitted on the building or structure or within sight and within 15 feet of the building or structure served. And talking about are we limiting the amount of the service conductors inside the building already if we're having the code? So we talking about a 0343 section as a point of entry to the building.

So in my mind, keeping it the same, the way it is now in the WAC rule, rigid or PVC. Apparently we're only locating a short I don't see any value, in fact, an extra distance just adds money. In fact I would recommend just leaving it alone or just align with the NEC. It's not something that --

SECRETARY MOLESWORTH: I think the way that it

was read was that when you look at that, EMT is allowed in the exterior of the building. The reason for not allowing it inside is the probability or the, you know, the ability of that EMT to be weaker than other wiring methods that would, with a fault, could create a fire inside the structure and that would have a problem.

Now, that all depends on how it's installed inside the structure, right, as to how, what the probability is of creating a fire and that type of a thing. Because if it's up in the floor joists and it's covered with stuff, that's more probable than down free air, you know, without it being exposed to combustibles.

But I think that we have to really think about why did way, before, allow it outside, we didn't not allow it inside, right? I'm still thinking about this extra conductor, that's just to ensure a path. And I think that path is ensured using the grounding conductor.

And so I think that it might take -- unless you guys have some really specific direction you want us to go, I think we have to think that through just a little bit more so we're not causing somebody additional cost with no particular reason, but yet we are maintaining the safety and integrity of that installation at all times.

Keep in mind, there is other wiring methods the NEC allows that I don't think anybody wants to allow in

this state. So aligning with the NEC, you know, in this one instance, I think you might be, you know, we could go down that road if we thought that was appropriate, but we don't want to align the entire thing with the NEC. We want to leave it intact with what we have therein just add an EMT if that's the case.

BOARD MEMBER GRAY: I just don't think what this is doing answers the question on why we are not allowing EMT. That's my whole point. This doesn't, I mean, either allow EMT or don't allow EMT, but this does not achieve the safety purpose that is being advertised.

SECRETARY MOLESWORTH: That it was intended to, exactly.

CHAIRPERSON JENKINS: So I guess, what's the best route will be we take comment that on page 50 --

LARRY VANCE: 59. Excuse me, sir. 57, 56.

CHAIRPERSON JENKINS: I'm seeing page 57 as where this thing starts. The thumbnail on page 57 document is actually behind by one page, the next page, there. But regardless we think that there's we're not 100 percent for or against that. There is still some controversy with that one. Is that what I'm hearing across the Board? As we are discussing here, we do a motion, we will have to do a motion for us to go through this, which I think we would be here a long time.

BOARD MEMBER GRAY: Being the instigator that brought it up the first time, I would suggest, it's just another option that can be used. If an installer wants to use this option, they can. And my choice would be just to leave it as proposed. And then we can deal with it through the next code revision cycle.

CHAIRPERSON JENKINS: Is that agreeable?

Yes, Secretary Molesworth?

SECRETARY MOLESWORTH: Yeah, so what I would propose, Bobby, is that instead of changing it and coming back I would agree with Mr. Knottingham maybe we should leave it as it is, give it more thought. Change it next cycle when it comes up, so that we're completely ...

And that way we're not going back and forth on people when we're looking at that code. Would that be acceptable.

BOARD MEMBER GRAY: We've got used to it.

SECRETARY MOLESWORTH: Exactly.

BOARD MEMBER GRAY: For, at least, the 50 years that I've been in the industry, so ...

CHAIRPERSON JENKINS: So then saying that, how does the Board feel about asking this to be appealed or removed until the next code cycle? Is that more appropriate?

LARRY VANCE: It's very simple.

CHAIRPERSON JENKINS: Okay.

LARRY VANCE: We have a crack team at Labor & Industry to address this, put words in; take words out. I mean, it would just make your head spin.

CHAIRPERSON JENKINS: Okay. For now, we'll leave this on the list of items getting down to final approval of this.

LARRY VANCE: At the Code Reviser's office they turns things around. We'll have another version of this without this in there in probably about, generally, four days. We will probably still be able to make our filing date with making a couple of massage changes here just based on the Board's advice.

If we get into anything too deep or where we've got to do research or anything like that, then it could affect that April 1st, 2024 date, the perfected date. So I've got this one locked in.

CHAIRPERSON JENKINS: No further discussion on this one. Thank you.

LARRY VANCE: We're going to back off our baby step on the EMT, so back there. Which is just fine.

So, let's see, page, were still in WAC 296-46B-230. I want to make sure that that's correct.

There's been some discussion about what really brought up the length of raceway in buildings has been

driven off of the additional National Electric Code requirement for an emergency disconnecting means. And emergency disconnecting means on a single-family dwelling is it essentially can be the service disconnecting means, or it can just be a disconnect that disconnects the service conductors, the service conductors into the disconnect and the service conductors leaving the disconnect.

The thing with that emergency disconnect is that generally that emergency disconnect is an overcurrent device, because in order to have the fault current rating, it is an overcurrent device. So then you run into this rule that we have that limits the length of service, the service raceways.

Well, if you have an overcurrent device, why are you limiting the length of the service raceways, right? I mean, it's not a service disconnect, when you've got an overcurrent device that the customer owns, the customer controls, that is now making those service conductors protected. In other words, they are no longer those, you know, that unknown factor of it's gone with the service conductors.

So this is a section here where we've just added an exception, that says that if it's an owner supplied overcurrent device, that the limitation doesn't apply

after that owner overcurrent device.

So this allows, for instance, I'll just give you an example. Anybody that's ever wired a single-family home, the serving utility will require, generally require the meter to be in the front third of the house. Now you're limited on the length of service conductors, so the length of service raceway to 15 feet. So that means that your service panel is going to be within 15 feet of that.

And as you're working in the home and people are piling things in the garage, and you come to the day where you're going to install your home runs and there's nothing but a bunch of wood scraps, and who knows what on the garage floor. But you've got to get all the way across that garage and get into the house to all of your home runs.

What this does is this says to installers, it says it's okay, if you've got your emergency disconnecting means that's not required by the code on the exterior, and that protects those service conductors, you could now come into the house with a wiring method like SER cable as opposed to adding pipe. And it's also now you no longer have a limited length, you're no longer limited to 15 feet.

So you could just run one cable across the garage where all of that refuse is piled. And it's going

to save -- it's going to save a lot of copper because you don't have individual wire circuits running across the garage anymore. You may have just one cable. Granted it's going to be a large cable, but this could save -- this could be a cost savings, a little bit of labor savings, but it gives them flexibility that the code currently does.

In other words, the code doesn't limit. It doesn't limit wiring. It doesn't limit lengths of raceways for service conductors. We do in this state, we're just making an allowance based on that overcurrent.

CHAIRPERSON JENKINS: So comment/question. I've never done this before, but every time that I would install services out there, I put a meter main disconnect outside. And anything beyond that, that's considered, (unable to hear clearly) so that just wouldn't be.

LARRY VANCE: Emergency disconnects, though, are allowed on the supply side.

CHAIRPERSON JENKINS: I've just never installed those.

LARRY VANCE: Right. It's throwing installers, inspectors, everybody for a little bit of a loop because it really, they are allowed on the supply side. So you're going to put a -- you're going to install a breaker enclosure, and you're going to bond to cam. You're still

going to have 240-volt service; you're going to have three conductors, two knots and a neutral.

It's going to go right through that overcurrent device, the neutral is tied down to the enclosure just like it is in the meter maids. On into the building it goes. Yet, now it's got overcurrent protection. That's the big difference. So now you're wiring methods aren't limited because you have overcurrent protection.

CHAIRPERSON JENKINS: This is the first time, I've never installed them.

LARRY VANCE: Yeah, it's really throwing people for a loop.

BOARD MEMBER ISAACSON: So, Board Member Isaacson, so for the installer this is a huge cost saver, because you could now put your load center centrally located in the house. And all of your home runs are going to be much shorter; is that correct?

LARRY VANCE: That is what this does. It changes the game that way for them, for those that want to do that. You know, it reduces the cost of a single-family home, makes things more affordable. 200 bucks financed over 40 years is a lot of money. Every time we, every time a new requirement comes along -- we look at this both ways. You know, we look at the new requirements that are coming along, and we look at any requirements that we have

that could "do we really need the requirement," right?

And this new requirement, the emergency disconnect for one and two-family homes has really caused us to do some thinking about, what are we accomplishing? When the conductors have overcurrent protection, why are we placing new limits on here. Why wouldn't we just allow what the National Electric Code allows, so that's the approach we're taking there.

CHAIRPERSON JENKINS: Board Member Gray.

BOARD MEMBER GRAY: I'm sorry, Mr. Chair, I'm a little confused. So if I have a fuse disconnect that is meeting the requirements of 250.4, and I bond the grounding conductor at that point, which I am permitted to do, now then my service is going to be in the middle of my house someplace, and I'm going to bond the grounding conductor there as well, and take my grounding electrode conductor to that service panel.

Now, I've created a parallel path for fault current or for load current flowing on the outside of my equipment. Is that what this would?

LARRY VANCE: No, because the supply side, the emergency disconnect on the supply side is doing nothing more than interrupting the ungrounded conductors going into the dwelling.

BOARD MEMBER GRAY: But the grounding conductor

could be bonded there?

LARRY VANCE: Just like in the meter maids, yes. Yes, the bonding that's service enclosure so that --

BOARD MEMBER GRAY: I'm sorry. Go ahead.

LARRY VANCE: If you look at the labeling requirements for the emergency disconnect, what it does is it doesn't acknowledge that it's service equipment. It does in some of the examples of the labeling requirements. It will say "service disconnect," "emergency disconnect." It's two labels. And then it will say "emergency disconnect, not service equipment."

And that is when it is speaking, that's when it's got to click in your head that it's not service equipment, that's a supply side. That's a supply side emergency disconnect. So there's no bonding in there other than just the grounding conductor is doing something.

BOARD MEMBER GRAY: It's not prohibited then?

LARRY VANCE: It's not prohibited. One could, if they chose to, go ahead and do all that. But now you would be four wires leaving that to go to your panel in the interior. Because you would now have that as your service disconnect means. Put a label on that if you did all that. Connected all of your electrodes to the ground conductor there, you would have, it would be your service

disconnect. It would be labeled service disconnect, emergency disconnect.

So, like I said, this whole thing is a new animal and it's made a lot of people scratch their heads.

BOARD MEMBER GRAY: So the enforcement will ensure we don't have those injectable current flows on the outside of the equipment?

LARRY VANCE: Right. If you're going to treat it on there, if you're going to treat it on the supply side, it's three wires in, three wires out. It's real simple. But trying to get electricians that the minute they look at the first overcurrent device in their heads they're saying, this is the service disconnect. But yet you can put a label on it that says emergency disconnect, not service equipment. It's confusing.

It is confusing. And I think after, you know, three years of enforcing this, I think that people are getting it. And some of the installers are starting to do some things as far as taking those, you know, Board Member Isaacson said, if one is thinking about this and you move your service panel to the interior of the building, where your -- you could shorten up all of your home runs. You can -- wires are expensive, I mean, you could have some significant costs to there. Yeah.

CHAIRPERSON JENKINS: So my call on this is this

it's something different. And it keeps on calling it a disconnect, and it's actually an overcurrent protection device. Otherwise, it wouldn't divide, in order for allow this to happen.

LARRY VANCE: Yeah.

CHAIRPERSON JENKINS: And second of all, I'd approach it to say it's just saving one wire. You know, if you put another wire in there, you can call the service on the outside, you can have just a simple disconnect on the outside and put your panel anywhere, like we've done in the past.

So this, honestly, I think there allowance to put an emergency disconnect, that's overcurrent protected. It's, I don't know if it was really needed, but apparently somebody somewhere wanted it and it got put in somewhere. So our correction this way around is saying "well, if you put an overcurrent protection devise in, well, protect the wire. So it's different.

LARRY VANCE: It's a little different.

CHAIRPERSON JENKINS: But I just want to make sure I said this is an overcurrent protection device on the exterior of the building.

LARRY VANCE: And you've got to have that -- yes, and according to National Code, it's 285 just talking off the top of my head here, but the labeling it's

really --

CHAIRPERSON JENKINS: It's not just a disconnect.

LARRY VANCE: And it could really be something, but you're looking at, that label there that says "nonservice equipment," that is so that you don't have to bring the grounding electrode conductor to the grounding conductor --

CHAIRPERSON JENKINS: As an installer, I see that it says "nonservice equipment." As an installer, I see that and I say "oh, I can't install it there."

LARRY VANCE: It's just, it's been fun. We'll put it that way.

CHAIRPERSON JENKINS: Any other discussion?

BOARD MEMBER BAKER: I've got to ask Larry the terms service raceway here. At some point did the code changes, was it referred to as used and unused conductors at one point during my thinking of a different section of the code?

LARRY VANCE: I don't think so.

BOARD MEMBER BAKER: Because that's what's driving all of this, right?

LARRY VANCE: That's what we're looking at. Are we treating -- service conductors have always been conductors that someone else controls any overcurrent

protection on, whether it be nonexistent or so high that the wire is going to burn end to end.

BOARD MEMBER BAKER: I've got to tell you, when I first read this before the discussion I first that was why are we putting this in here. Electricians should know the difference between service raceways and feeders. It seemed like we're dumbing down to the level of our installers ability.

LARRY VANCE: It's the argument over the -- there's still three wires. That's the whole thing, right, when you have a piece of equipment that's labeled nonservice equipment, there's still three wires.

BOARD MEMBER BAKER: But isn't it true that if there's an overcurrent device --

LARRY VANCE: No.

BOARD MEMBER BAKER: It's not true?

LARRY VANCE: No, because you can put a label on it that says it's not a disconnect and not service equipment. And you are allowed to have it up a supply side by code. They inserted this, when this new thing came along and they inserted it, it created a lot of (uncertain.) "There it is, make it whatever you want to make it as long as you've got a piece of equipment."

Now there's equipment out here like a meter main, it's a panel board, meter combination. And it will

say suitable only for use of service equipment on it. That's how it's listed. So you're not going to put a label on it that says not service equipment, you're not going to do that.

So if you have just a simple breaker enclosure service rated service disconnect -- I just said it, didn't I? It's not necessarily a service disconnect; it's an emergency disconnect. This is for your first responders. And if you put the label on there, emergency disconnect and not service equipment, that's telling the person that the service equipment is located somewhere else in the building. So that's what it does.

SECRETARY MOLESWORTH: It really comes down to where are you doing your grounding and your bonding. And outside, does that disconnect have a permanently attached grounding conductor attachment to the can. If it doesn't and it's floated to where you could do it if you wanted to or not, you know you can do it either way. And it also depends on the listing of the enclosure.

BOARD MEMBER BAKER: Should we be addressing our definitions for point of service and clarifying that rather than making these changes here?

LARRY VANCE: There so many combinations of how people approach something, a structure. Some do it remotely; some do it from other buildings. There's just

so many combinations. All we're doing here is just trying to say, if you've got overcurrent protection on service conductors, we don't have any restrictions.

I know it would seem like we wouldn't have to, but yet we're trying to achieve consistency. We don't want, you know, we don't want things in the City of Edgewood to be done any different than the City of Auburn. So once a national builder locks into a particular method, it's really interesting how dedicated they are to that method statewide.

CHAIRPERSON JENKINS: So my last comment here, this is the other portion, we're not dealing with; that's not what we're asking for. This is simply given the situation now, are we going to allow them to have another device, and overprotection device. So that's kind of the parameters that we're working in. So does anybody have any? All right. Thank you, Larry.

LARRY VANCE: Okay. I'm on page 60 of the document. And this is just simply the National Electric Code moved wiring methods over, wiring methods exceeding 1000 volts to a new code, so there's a new code article 235, more editorial change.

Page 75 of the document, I'm on WAC 296-46B-300. Again, more housekeeping. Just updating the title to correspond with the title of NEC Article 300.

CHAIRMAN JENKINS: What page are you on?

LARRY VANCE: We're on page 75 of the document.

CHAIRPERSON JENKINS: Thank you.

LARRY VANCE: Housekeeping on page 76 of the document has to do with, I believe, when the, I believe, that this is a result of the -- yes, this is a result of the deletion of WAC 296-46B-115. And I believe that that was temporary -- I can't remember off the top of my head.

If anybody would like to, we can go back and look at it. And this was actually just some renumbering as we go down through the document here that's a result of that, that has been double-checked.

Now on page 82 of the document. Just housekeeping here in WAC 296-46B-314 to align with the National Electric Code language, just updating.

Page 83. It's been several code cycles that this requirement has been in there. The National Electric Code it is not supposed to be a design manual, but the National Electric Code a few cycles ago introduced a requirement that anywhere in a ceiling that a ceiling fan could be mounted, that it had to be a ceiling-rated box.

And so "where it that at?" Was kind of the big question. I mean is that the same in the City of Auburn as in the City of Ellensburg when somebody's -- when you're a builder? Is it two feet from the wall? Where is

it?

And we wrote a Currents article about this, and what we're doing is taking the Currents article which is kind of a policy and just putting it in the rule. Essentially saying that, if it's within four feet of the wall, it's not -- it's not a place where a ceiling fan needs -- could be installed, or would be installed.

Because they kind of, they really leave it up to the discretion of, you know, "well, you could, you know, they make those little small ceiling fans." I mean how do you -- as an installer and as an inspector, how do you interpret this section? That's what this does is it just says that within four feet of a wall or over an island or a peninsula or counter space that you don't need -- that those boxes do not need to be fan-rated boxes.

The shift in the industry is that we no longer have recessed cans, we have puck lights. We no longer have -- there's really a complete shift away from ceiling fan boxes, from ceiling fans for illuminators. You know, there's an occasional chandelier or something to that effect, but I mean the idea that the ceiling is littered with boxes anymore is just not there. So, yes, so this is just in here for consistency.

CHAIRPERSON JENKINS: Any comments on that section?

Should we take a break in here somewhere to collect thoughts?

LARRY VANCE: I can take a break.

CHAIRPERSON JENKINS: Let's do that. Let's take a short break. Also for those who need to, check out is at 11 o'clock, so if you need to go check out, we'll take a 15-minute break, those that need to do that, be back here at 10:45. Sound good? Thanks.

(Break from 10:28 a.m. to 10:50 a.m.)

CHAIRPERSON JENKINS: Okay. It is 10:50 and we will go back on the record. I guess I should have asked if our speaker was ready.

Let me ask the group here, do you want to keep moving in this pattern and keep going through this or do we want to change the way we're doing this?

BOARD MEMBER KNOTTINGHAM: I think it's better to go through it. Like you said, since we don't have the other, just go page by page.

CHAIRPERSON JENKINS: Okay. Does anybody have any issues with the changes done by the numbering, the numbering changed?

BOARD MEMBER KNOTTINGHAM: No.

CHAIRPERSON JENKINS: So do we want to just have him skip through all of the ...

BOARD MEMBER COX: Like the housekeeping.

CHAIRPERSON JENKINS: Okay. Let's do that.

THE COURT REPORTER: And maybe just pull those mics closer to you, all of you board members.

BOARD MEMBER GRAY: He's coming back. What happened is during the last cycle and more of an effort this coming cycle and the one after that to pull of the medium voltage stuff out of the existing language and put it in its own little cubicle. So he won't have to go search through the existing articles to find any voltage stuff.

So that's what this is all about. They went through all of those places like in Article 230 and limited Article 230 just to voltage is less than the thousand AC or 1500 DC, and then wrote a new Article in 35 that covers those systems that are needing voltage.

CHAIRPERSON JENKINS: So it's like separating it out.

BOARD MEMBER GRAY: So that what's happening here, and the next cycle is going to be even worse. And then the following cycle, it's going to be a complete Reform Act of the NEC.

CHAIRPERSON JENKINS: I'll be curious about that one.

So one of the things that we discussed here, technical specialist, Larry Vance, is anything that has to

do with housekeeping changes, the numbering, we can just skip to everything else.

LARRY VANCE: Okay.

CHAIRPERSON JENKINS: Any other changes, we'll discuss.

LARRY VANCE: Anything that's got some substance, we'll stop and pause and discuss, yes.

CHAIRPERSON JENKINS: Perfect. Thank you.

LARRY VANCE: Because there are a lot of those housekeeping changes.

CHAIRPERSON JENKINS: Yes, I noticed.

All right. The floor is yours.

LARRY VANCE: Thank you very much, Chair Jenkins.

Page 84, is a change that just takes an Electrical Currents Newsletter and makes a rule out of it. There has to be some way to get from the interior to the exterior of a dwelling unit where nonmetallic sheath cable is commonly used. So how much is too much? Because we've got a WAC rule that says the interior of the conduit located outdoors is a wet location, which we all I think there is a good consensus around that.

But yet when could you allow type NM cable that's not suitable for wet locations. How do you allow, how do you make that transition? And that's what this

does. It essentially says that it's conduit inside of conduit under certain conditions. So it's not longer than ten feet. It's not below grade. The conduit drains, in other words it doesn't have a trap in it, it's not U-shaped.

So, essentially, if you're, for instance, if you're going to put a new split mini, a new mini-split HVAC system in a home, which is something that's really common today. And you've got a get to the attic space and you've got a panel that's built into a wall. The way that you come out of that panel, generally, is that you're going to come out of the back of the panel on the exterior of the building. You're going to go up; you're going to get into the attic space and away you go.

Typically, you would do that with type NM cable, nonmetallic sheath cable. Yeah, but now you've got a raceway that's outdoors. It could be a wet location, right? How do you do this? So what we had was, we had rampant inconsistency across the state. Some offices would allow three feet, some would allow, you know, some random length of raceway.

So what this does is it says, you know what, let's allow ten feet straight up and down. It's not a wet location, just like being in the wall cabinet. So it just makes sense. So that's a clear, consistent direction.

CHAIRPERSON JENKINS: Any questions from the Board on this one? All right.

LARRY VANCE: Now we're on page 95. Amended section here is WAC 296-46B-440. Air conditioning and refrigeration equipment.

What we've done here is a few rulemakings ago mini-splits were really starting to be prevalent. And if you look at the National Electric Code, you've got a motor, you're required to have a disconnect. And mini-split systems commonly have remote heads. They've got a motor in them. Where's your disconnect, right? That's what all of the electricians that are inspectors were asking. "Where is the disconnect?"

And the thing is is that these systems are, the more we learned about these systems, the more we found that these systems are actually in many instances one machine. Article 440.8 talks about one machine. In other words, there is an outdoor unit; there's the indoor heads, could be one or more heads, an air handler, a ceiling mount, there's a variety of configurations.

So they're one machine. The wiring that powers that interior head comes from the outdoor unit, the supplemental overcurrent protection in the outdoor unit is one machine. And under 440, if you follow 440 in the code articles that it refers you to, that one machine has one

disconnecting requirement and that's that the outdoor unit where the power is sourced from.

So what we've done is looked at the rule that we've made, and figured out that the fact that we didn't really have a basis to make the rule other than we wanted to make -- we wanted to make it easy for everybody. Well, what we're actually doing was putting some cost on where there didn't need to be cost. You don't need a disconnect.

So if the code doesn't require a disconnect, and we're requiring a disconnect, what do we do? So what we've done is that we've said, we've removed the rule and we're just going with the code. If you get into a situation where it is not one machine, then a disconnect would be required by the code.

This is a little bit -- this is a little bit interesting. But think about a refrigeration system, it's the same way. You've got a refrigeration controller, and then you've got motors. This is all one system. The thing about the one-system thing is that one machine is that machines are meant to operate by how they are controlled. You've got one machine, one major control panel, one disconnect, and everything else is supposed to be doing its thing as far as part of this machine. It could be in different rooms, it could be (unclear).

If you go shut something off out there in the field because there is a disconnect, you could actually really effect the machinery. You know, it's not designed to be run with part of it shut off.

So 440.8 is a really interesting article. It's been around for a long time. And we actually got some people reaching out for us from the HVAC industry on this particular rule, because we go into, I'll give you an example. This rule would require, there was a pump station. Somebody set the outdoor condenser compressor and went inside the pump station. This pump station is eight feet square. And they mounted a remote head on the wall. The inspector wrote the correction, "where is your disconnect? You know you need a disconnect for the remote head?"

Well, it's one machine, according to, it meets all the one-machine requirements for 440.8. But, yet, we've got a WAC rule that says you need a disconnect. So the idea is is that all we're doing here is removing this rule and aligning with the National Code.

So we got to the point where this rule that we had written was maybe reached the end of its life because of our understanding of the systems.

CHAIRPERSON JENKINS: One thing is when you have a mini-split that has multiple heads going to it, what

happens when you have many heads coming off of it, the ones by the building, you're going to have to shut off the entire system in order to change out one single device. You don't have the option to let the rest of it running to who knows what without having a disconnect. So by one machine, one machine can't encompass a whole entire split system criteria? I guess --

LARRY VANCE: So what you're labeling then is you're labeling the HVAC equipment so that there is some semblance of order so. So the system, a mini-split system is manufacturers, kind of, the information they've relayed is that around 3,000 square feet, a little bit more than 3,000 square feet, is about what you can -- what a mini-split system will do, conventional small commercial residential system.

CHAIRPERSON JENKINS: Yeah, today.

LARRY VANCE: One compressor, condenser, and equipment in the building. So whether it's a central unit or remote heads or what it might be, that's kind of where it's at. I do understand what you're saying about when you have multiple -- you've got a disconnect requirement, a disconnect, the labeling requirement out there on that disconnect. In other words, that disconnect is going to say that it shuts off system number one. Okay.

And let's say there's five systems in the

building. It shuts off system number one. I ought to be able to walk into the building and see what system no. 1 is, right? So that the equipment is labeled system number one. In other words, the remote heads.

CHAIRPERSON JENKINS: I'm more -- I'm starting to get concerned a little bit because the mini-split systems that were out initially, it was one base, one head. And they said "well, we can run multiple heads off this." And they keep expanding the size of the system outside the building. And so now they're looking at, I'm seeing as far as I think four heads on one base laying out there.

And so, back to my original thing, which to me is now we're looking at a full-blown HVAC system. Kind of like having your heat pump outside, if you want to disconnect to that heating inside, the actual tower of the heat units, and everything else which is a different power supply. And yes there's cable going between them, but that's not one system.

LARRY VANCE: That's not one system according to 440.9, it's only one system when power originates in the outdoor unit. In other words, think of this as a machine. You have a power source to the machine and then you have this part of the machine, that part of the machine, this part of the machine. Everything is powered and controlled

from this one central unit, like in a refrigeration system.

So that's what article 440.8 allows.

CHAIRPERSON JENKINS: I need to do more research on that is my list of things to do. So my question then would become if I ran a 100-amp circuit to an HVAC unit and then I ran a cable from the HVAC out to the actual heat pump outside, does that make that one system?

LARRY VANCE: If it were powering and controlling that. It was the exclusive power source, the exclusive control source. That's not the way those systems are configured. A standard heat pump furnace, oil set up. These mini-split systems that are highly prevalent everywhere in the world except for here.

CHAIRPERSON JENKINS: And installed myself in some case.

LARRY VANCE: So it doesn't make it one system. As I was saying, you know, 440.8 has been around for many years. And it's been a very, very interesting little section to crack open. Because I find it more, in an industrial refrigeration systems. You get into some systems that your, kind of, scratching your head as to why isn't there a disconnect out here at the evaporator in a cold space for instance.

CHAIRPERSON JENKINS: (Unclear.)

LARRY VANCE: 440.8 and anything that it touches. Yeah, it's an interval. It's caused us a lot of conversation, I can say that. I've had some conversations about, and education from the HVAC industry.

CHAIRPERSON JENKINS: So recap on this one here. This one says that there will be a disconnect at the head unit will no longer be required.

LARRY VANCE: We're just not requiring it for commercial installations. Essentially, what we said is the manufacture and residential installation, the manufacturer requires it, the ones that are wired. It's required on all commercial installations. And really what it just falls back to you now is the manufacturer requires a disconnect, there's going to be a disconnect itself.

And generally what the instructions say on this type of equipment is show a disconnect on the diagram, and it will say something to the effect of "disconnect as required by local codes," which means what it means.

CHAIRPERSON JENKINS: Just want to make sure we're on the same page. So if the manufacturer's not requiring it; we're not requiring it?

LARRY VANCE: We're not requiring it. If the manufacturer's not requiring it; we're not requiring it because the code's not requiring it. So that's where we're going. So we're going to have to all read the

manufacturer's instructions. And that was the, kind of, the conversation about why the rule got created.

"You mean to tell me that we're going to have to read all of the manufacturer instructions on every one of these systems to figure this out?" But as we gain more understanding of the systems and became more comfortable with the systems, then it's like, yeah, we may be on the one wrong path here. So that's why we made the change.

CHAIRPERSON JENKINS: Any questions?

BOARD MEMBER BAKER: We're still on page 95 right, Larry?

LARRY VANCE: We are on 100 right now.

BOARD MEMBER BAKER: Back to 95. No, you'd moved on. Just a comment. The comment is, it feels like we're putting clarifications in here to help people that don't understand how to do the work that they're doing. And I think I object to this change here in 052 overcurrent protection.

The WAC stands for Washington Administrative Code, right? Not Washington Administrative clarifications. And if we're putting clarifications, if we're writing clarifications to help people that don't understand how to do the installations that they're doing.

And this goes back maybe several code cycles when we started allowing all of these specialty trades to

start doing different installations and lots of people that were on different sides of the fence for that. And here we are now writing clarifications to have those individuals understand how to do the installations that they're doing. And I kind of object to that.

LARRY VANCE: So it's, this kind of and referring to WAC 296-46B-440 overcurrent protection, there is not a specific -- it's taking you -- there is a reference here to 052, and that's taking you to 440, 440.52. And what we're talking about here is the nameplate. And there is a handshake that goes between the electrician on the job and the installer of the HVAC equipment on the job.

And what will happen here commonly is the nameplate of HVAC equipment already has the math all done for you and that sort of thing; you've just got to read it in plain language. It says maximum overcurrent device, minimum circuit impasse. Pretty simple terms.

But then you get residential electricians that throw 125 percent on top of something when it says, you know, maximum overcurrent device. Because they think, "oh, you're got 125 percent." Well, then we write them a correction. And we write this a lot.

What we're trying to do -- and we are doing what Board Member Baker says here. We are clarifying

something. That's what that says is is that the equipment have motor compressor, such as heat pumps, air-conditioners, shall be protected by an overcurrent device that does not exceed the maximum overcurrent protected device rating indicated on the equipment nameplate. In other words, install the rated device that's on the nameplate. It's just that simple.

And we're doing this so that we have more time to inspect other things. And so that we don't have to come back on this particular correction. It is, it is a clarification.

CHAIRPERSON JENKINS: Board Member Kerry Cox.

BOARD MEMBER COX: The question for Larry then is what I'm hearing you saying is the correction that's getting written is to the residential electrician and not the 06 HVAC?

LARRY VANCE: Oh, absolutely, all day long.

BOARD MEMBER COX: So we're not necessarily clarifying for an HVAC technician, a job that he needs to understand how to do.

LARRY VANCE: We write this correction a lot, this 102 correction.

BOARD MEMBER COX: Okay. All right.

LARRY VANCE: I mean, this is something where the nameplate, and they don't understand the math that's

already been done for them on the nameplate. But this is so simple, that all you have to do is install what it saying on there.

BOARD MEMBER COX: I just wanted to clarify that we're not talking about a group of specialty electricians having to have specific clarification on how to do their job.

LARRY VANCE: Right.

BOARD MEMBER COX: Okay.

LARRY VANCE: The other thing that often happens as well is that, when the equipment arrives -- when the equipment arrives, when it's new and in an all new installation, a new house, new equipment, it's the electrician that makes the initial connection to the equipment. The reason is is so they can assure that they've got the correct overcurrent device, overcurrent protection device, and then everything on the nameplate matches and everything like that.

In a replacement situation, what happens is is that the 06A specialty which is the HVAC specialty, they could disconnect and reconnect. And there are times when there won't be alignment then, but generally if they're taking out equipment and replacing it with the exact same equipment, there is a line. It was done right the first time. You know so, yeah, this is just a little rule

clarification here. It's not really a requirement above that the code.

It's just, the whole section that talks about it in the code book is about a page long. And really what we, I think this came out of our supervisor's group. It just boils it down to one sentence, just put the device in that's required by the --

BOARD MEMBER COX: So I heard you say that you write a lot of these corrections. Your inspectors write a lot of these corrections.

LARRY VANCE: That's what we said.

BOARD MEMBER COX: And so this is a fix, so to speak, for that?

LARRY VANCE: You can write a correction for this. You can write this one sentence correction. And when you come back, it's correct. And then they also read the correction and they understand the requirement. You can write other code references to that great big long really confusing section of the code, and you won't end up with the same result. So we've been doing that for years. We've been doing you have 225 percent because this is -- and it hasn't been working, so we're trying this.

BOARD MEMBER COX: Okay. That clarifies it. Thank you.

SECRETARY MOLESWORTH: Yeah, so getting back to

Don's comment. So really, I think what you're saying, Don, is because we have codes that say "must be installed as per manufacturer's directions," that we really don't need to tell them about pay attention to the nameplate.

Is that what you're saying?

BOARD MEMBER BAKER: I appreciate the clarification on the specialties. What I find objectable is that we have codes for this already. And we're writing clarifications in our code because the individuals are failing to recognize this. I just find that, it just doesn't make sense to me that we're putting clarifications in where we already have codes that address this.

And maybe it makes, maybe we're trying to solve for some challenges that inspectors are having in the field and nuisance corrections they're having to write all the time. But I'm still wondering, you know, where we end up ten years from now if we keep doing this, you know what is our ...

SECRETARY MOLESWORTH: Yeah, and as I'm listening to this discussion, I think about that. I go the WAC is a document for clarification, but it's clarification on how we will be enforcing the code, right? And so I think we'll take another look at this as well and see, because when I read this again and listen to you guys I go will this turn into just another code that we write a

correction to, right? Because are they going to go in and listen to it and read it and understand it, or is this just another ...

So let me think about that this a little bit more. I'll work with the tech specs.

BOARD MEMBER BURKE: I don't think anyone is objecting to the content. It's more of are we going to get in the habit of clarifying. And whether that's an issue and that's an endless road of.

BOARD MEMBER BAKER: That's right.

BOARD MEMBER BURKE: I think the content is already created.

CHAIRPERSON JENKINS: Thank you guys. Board Member Don Baker. I think that's to say in line item in history of looking at the WACS as an amendment to the code. Outside our normal codes, it's special to Washington. And this is just repeating something that's already in our code book. I think that's what I'm getting out of this information.

BOARD MEMBER GRAY: And, Mr. Chair, my thought this is Don talking is what makes us think that a person that's not going into the code and understanding how to read the code is going to come in here and read this. This looks like something that would better fit into like a Currents Newsletter or guidance, maybe over and over

again, multiple times, but, you know, I agree with Don.

CHAIRPERSON JENKINS: So the consensus means we have a little concern set across the board was taking this one out as unnecessary.

BOARD MEMBER COX: So if I could ask clarifying question from Chief Molesworth. So from an inspection standpoint, if the inspector goes out and he finds that it exceeds the maximum rating, do you write the correction saying "this WAC is" -- or do you have to write the RCW. When you write the correction, like, as Larry was saying it allows us to have this one sentence rather than referring back. Is that how the correction is written to the installer, is this, in the future, it would be this WAC section that you would write the correction on in the field?

SECRETARY MOLESWORTH: It probably would.

BOARD MEMBER COX: Okay.

SECRETARY MOLESWORTH: There's probably a few that you can write. This would be one of them.

LARRY VANCE: You end up having to write in there, "you do not have to apply a 125 percent," or "it's incorrect to apply 125 percent in this case" because the gobbledygook that's in that section, there is no better term for it. It's just a lot -- it's not really clear. This was an ask out of our field inspection. That's its

origination, and that's why it's there.

CHAIRPERSON JENKINS: So any change pending from the board?

LARRY VANCE: We write straps all day long. You've got to have a strap within three feet of the box. We shouldn't have to.

CHAIRPERSON JENKINS: So are we still saying, let's not put that in or are we changing that to are we okay with what's written? Any other input, anyone? Just an opinion, then we'll maybe head nod on this one.

BOARD MEMBER BAKER: I think Dominic put it more appropriately. It's just the concept of we're writing clarifications versus code, kind of objecting.

CHAIRPERSON JENKINS: So is the idea then that we not have them do this?

BOARD MEMBER BAKER: Yes.

BOARD MEMBER BURKE: I think Wayne said he was going to revisit it for that.

CHAIRPERSON JENKINS: So we're rephrasing it, so we would like the Department to revisit this option here and see how this could be removed or?

LARRY VANCE: We can just remove it. Just like the EMT allowance, it could just be removed.

CHAIRPERSON JENKINS: In the cycle ...

LARRY VANCE: We don't have any time to explore

things it will just remove it on my more correction.

BOARD MEMBER COX: Just a question for Larry. You just made mention I heard you say you write corrections for the straps.

Is there a clarification in the current WAC that says.

LARRY VANCE: No, with the straps, it's pretty simple. It says you know mini box strap. It's really easy to read, it's like one sentence. What I'm saying is the section that talks about nameplates and maximum overcurrent protection ...

BOARD MEMBER COX: Which is why I heard you say this came from the field inspectors. To make it easier to write the correction.

LARRY VANCE: Right. To write corrections and end up with a product that they can approve. That's what inspection is all about. Is having a skilled workforce out there that makes installations that we can approve. And this is a step toward doing that.

BOARD MEMBER COX: So this improves, not only the installation but the inspection process. It makes the process more efficient?

LARRY VANCE: Well, if this is the only correction on the job, on a final, for instance. Which it often is a correction on a final. Because that's when

you're looking at all the entire installation. I don't have any data, and it wouldn't be very difficult to figure it out, but this is a correction that is too commonly written for exceeding the maximum overprotection.

BOARD MEMBER GRAY: So the gobbledygook that you're talking about refers to Article --

LARRY VANCE: The whole area about 52.

BOARD MEMBER GRAY: So have we considered putting in some public inputs to clarify that section? We're probably not the only state that takes issue with the way it's worded?

LARRY VANCE: I would hope that we did not have to tell the people, to just to install, you know, what it says on the nameplate, but you get all these people that think "oh 125 percent."

BOARD MEMBER COX: My final thought on this is if it improves the field inspection process and makes it more efficient -- I understand Board Member Baker's position, I agree with that. We don't need a lot of clarification -- but if this helps improve the field inspection process, perhaps we do need to leave it in there.

BOARD MEMBER KNOTTINGHAM: Perhaps more training would be appropriate for the individual doing the installation, follow the code, it's written, it's clear.

CHAIRPERSON JENKINS: And on that same note, don't we have this thing called Currents, and we put articles out there on that about this bigger option. And if we have it if we're doing that and they're not reading the code book, I'm sorry. I don't think it's going to make a change.

I think we are still left to a document to clarify something that's already written in the code. I get it. Looking at it in a different light, agree with that at some point we just have to say "we're not writing this for the homeowner. We're writing this for the electricians."

BOARD MEMBER NORD: And I agree this is a training issue. Perhaps it should be addressed in the apprenticeship programs.

CHAIRPERSON JENKINS: That is talked about at trainings.

BOARD MEMBER NORD: Because if the inspectors are bringing it forward that this helps their job to make sure that there is a necessary and satisfactory inspection result, if they are seeing it continually, then it is a training issue and I agree with Jack. Which then comes back to we have to train the technicians as apprentices how to do the job properly.

We don't need to change the code necessarily for

their lack of education. We need to make sure the inspectors could do their job efficiently. But it still boils back to we need to train the technicians for the apprenticeship program how to properly to their job, which is journeyman training.

LARRY VANCE: The other thing with this is there's been a shift in the UL standards for outdoor compressors and condensers. There is a nameplate change now. Fuses are no longer as manufacturer's are having their equipment evaluated a new standard, a new standard addresses refrigerant types and numerous things. But no longer are fuses required.

So you're not going to see over local, overcurrent devices anymore in HVAC equipment. You're going to see, just a simple pullout disconnect switch. Just a simple pull out disconnect switch. So there's no ability to effect the maximum overcurrent device for that equipment because it's going to be in the electrical panel within the building so.

We can -- while we're taking the EMT one out, we can have this one out of here and move forward if that's the advice.

CHAIRPERSON JENKINS: Hearing no dissensions on this, yes. Move forward.

LARRY VANCE: Page 115, very close to halfway.

It's all relative. The pages don't necessarily mean changes.

So we're talking about enclosure types in 555.31. And all we're doing here is clarifying what would an enclosure that protects against corrosive agents means. So we're referring you to the table that explains which enclosure types do so.

Because what it will say is that, when it says it has to be a corrosion resistant enclosure, then we get into the discussion about what is corrosion resistant? Some installers will say, "oh, that's we've had these, you know, it's a special paint on there." Oh, okay. That's great. It's a corrosion resistant paint. Great.

But we look at corrosion resistant, we go to the table, right, stainless, fiberglass. So all we're doing here is a clarification stating exactly what is corrosion resistant. It's the enclosure types that are referenced in Table 110.28, so just for clarification.

CHAIRPERSON JENKINS: Comments from the Board? All right. Moving on.

LARRY VANCE: Yes, I had these specially powder coded and they're corrosion resistant. All of us around the saltwater, we see corrosion resistant. There's only a couple things that are corrosion resistant.

I'm on page 130. It's a new section WAC

296-46B-962 (692). All we've done here is essentially just added fuel cells. And we added fuel cells and added a design review requirement. Design review is a defined term in the definitions.

We don't know they we're going to be looking at a lot of fuel cells, but there is a hydrogen plant that's being built in Washington. And there's going to be hydrogen distribution facilities that are going to be on I-5 and I-90, so in preparation for that, we just added kind of a provision here to require that.

On page 131, in WAC 296-46B-964 (694) for wind electric systems. We just clarified where the design review is and it's defined in our the Washington Administrative Code. And when it has to be available. This was just written in a way that caused confusion about when we need to see it. When does it have to be there. So it just cleans that up.

Now, on page 134, in WAC 296-46B-701. This has to do with selective coordination. So there's new requirements in 2023 in NEC 701.32 (B) for selective coordination when overcurrent devices are replaced.

So we have this allowance that dates back to 2006 that says anything that would be touching anything that is prior to 2006, it wasn't required to be selectively coordinated then, it doesn't need to be

selectively coordinated now. And all we're doing is integrating this new allowance -- it's not an allowance, it's a requirement. It's a new one that when overcurrent devices are replaced, they need to be selectively coordinated.

And so what we've done here is that we placed this in here. We had to massage the 2006 allowance a little bit by inserting the words there that no system modifications, additions, deletions, or overcurrent protective devices in that system were replaced on or after April 1st of 2024.

Because April 1st of 2024, is the tentative adoption date of this document. So if you're going to replace an overcurrent device after that date, you're going to have to selectively coordinate it, so there you go. Just making sure that people don't -- that the installers don't have to go back, you know, making sure.

Now on page 136, WAC 296-46B702, this is more around the NEC, kind of, makes an assumption that there is always going to be an emergency disconnect means on a one and two-family dwelling. And all this does is it leaves in place the requirement for when the emergency disconnect is not present. So that's all this is doing.

So there's a requirement that a sign be placed noting the fact that there is an optional standby system.

And what it says here, we clarified here, long-standing clarification is that signs required by NEC 702 must be placed at the meter base, and at the service connecting means, and just editing here.

Essentially, what it's saying is that this new code requirement, 702, 702.7(A) it assumes that there is an emergency disconnect. So it's telling you to label the emergency disconnect. If it's not here, what this is saying is just label the meter and the panel both so there we go.

On page 137, what we are running into, and this is in WAC 296-46B-705 for interconnected power production sources. What we're now encountering is it really needs complex systems. You have an interconnected power system that has photovoltaic; it's got lithium ion batteries that, you've got a battery storage system. You may have, you may also have a standby generator of some sort gas or diesel.

And you run into these really complex systems. And what this does here, subsection 3, all subsection 3, if you're going to do this, we want to see a design review of it at the time of inspection, and until the inspection is complete.

In other words, drop what you're doing -- and you're going to do this before you do it anyway. I mean,

somebody is going to do this. So give us the documentation of a system design review when you start putting all of these components together. So it helps us understand what's there and the installer going through the process of doing it, it's going to make it more likely that the installer installs something we would approve.

This new section here on page 138 of the document. A new section, WAC 296-46B-710, it's just another -- 710 is a new code article, I believe, maybe, it's not. No, it is not a new board article. But it essentially parrots the same thing. The change to 705. If you've got a 710 system, the 710 system is not connected to the utility. I'm going off of my memory right now, my memory is not sparking right now.

But essentially what it does is it would just require in the same system design. You should take the time to look and see how to put it together, and tell us how you're putting it together.

Now we're moving right along. We're clear up to the last chapter in the code book. We're in page 139. A little change to WAC 296-46B-908. This change pertains to the amount of time in a one or two-family dwelling that an installer has to complete their work with the class B permit. So simply refining, we arbitrarily said, you know, they ought to be able to get it done in 90 days, but

this mostly pertains to new construction. And what we're finding is that it takes longer than 90 days. They need 120. We'll see how 120 goes for awhile.

Home construction may speed back up again with supply chain issues solved. But we just overall found that 90 days wasn't adequate, so we increased it. Shouldn't have to go buy another permit just because the job --

CHAIRPERSON JENKINS: Well, sometimes we have to say -- let's see if the same thing happens at 120, we'll say no.

LARRY VANCE: Well, yeah, 120 is quite a while. Yeah, if we change the title, you have to have the entire article, so that's why so many pages here.

Just a quick change here, clarification on page 157. So on the fee schedule, we were removing this fee because it was antiquated, because we're not going to charge you anymore for an electronic copy. Then we found that that it could be in conflict. We have two rulemakings that affected the same section in the Washington Administrative Code. And that's something the Code Reviser doesn't allow.

So if we wanted to visit fees, and we have this little change in this world rulemaking, it would prevent us from visiting fees until this rulemaking was completed.

So we're going to visit this, if we visit fees. At this point, they're electronic. We're not going to charge you for an electronic copy, but we're just trying to cleanup the fee schedule.

On page 159, in WAC 296-46B-920 (2)(A), and this is the residential scope of work. It was several years ago that the scope of work for residential electricians was clarified to allow them to work in buildings greater than three floors and under certain conditions.

The National Electric Code used to limit the use of nonmetallic sheath cable to three floors, and changed the building construction types so just a little back history there on why it's now six stories of multifamily buildings. Multifamily dwellings that are above either six stories or it could be more stories if they are above types I or II construction. In other words, your typical 5/2.

You know, you have two floors of fireproof construction, and then you have five floors of wood frame construction above that. That's within the residency scope of work. It's just things have changed. It made sense.

Long story short, these changes here that are in that subsection, WAC 296-46B-920 (2)(A)pertain to the residential scope of work. And essentially what, the way

it was written was sometimes confusing. A residential electrician was wiring a greenhouse at somebody's house. Somebody put a little house in. Could they install conduit for physical protection. What could they do in the way that it was written?

Well, one could look at it either way. And all of this does is it just cleans it up a little bit. It makes it clearer.

The other thing that was being run into or encountered by the residential electricians was -- I don't want to get deeply into this, but there's been changes in the energy code that are such that in order to get your carbon credits, your, what you have to do is you may have to make a provision or two.

One would be fewer windows, thicker insulation, maybe a PV array. If you put a PV array on it and maybe a ductless mini-split and so on and so forth, it's all in the math equation, there's cables involved in this.

Long story short, the residential electrician was faced with having to install a method other than nonmetallic sheath, metallic wiring method. It's either metallic conduit or metal pipe cable for the take out returns.

By the way this was written, you could read it and you'd think, well, yeah, you could do it. Well, no,

you can't do it. And it was just confusion. So, again, the way it's written, this is just very clear. And it's also, it allows them to kind of grow with the code a little better.

It says -- so they still have to use nonmetallic sheet the cable for the majority of wiring in a building in a home. Because it's all of the outlets and all of the lighting is nonmetallic sheath cable. So the departures is kind of from there, so we're not -- I just lost my spot, sorry.

So it's nonmetallic sheath cable, so the wiring subject to physical damage could be another method. Wire embedded in masonry or concrete could be another method. The wiring barrier below grade or located in a wet location, another method. Wiring to unfinished space areas, adaptable to future dwelling unit living areas. Right now, we a rule, for instance, that you are either going to install conductors or you can install an empty raceway.

Well, how can an 02 install an empty raceway? That was kind of something that was not clear, here they can. They can install any method. Or wiring where nonmetallic sheath cable was not allowed by installation standards under this chapter. For instance, (unclear). The code came along and said "you can't use that in a

cable fit anymore, you've got a use and cable now. Well, you install metal applied cable in accordance with Article 334, which is nonmetallic sheath cable. So it's not a big stretch for them to be able to figure out how to strap those. Is it going to allow them to install NEC cable for lighting or for receptacles, outlets, no. It just kind of clarifies the fringe, so to speak, of 02 specialty.

We also had within the specialty, a little bit of a revision down lower in that section.

CHAIRPERSON JENKINS: I think we had a question here first of all.

BOARD MEMBER GRAY: Thank you. And if I'm not mistaken, and I know you're talking specifically residential in this section, but I'm not mistaken, I think UVC changed their definitions of the type of constructions too that had an impact on where we could use NM cable, Article 334.

BOARD MEMBER TUMELSON: So did the IBC currently adopted and they did add some construction types, types for wood, so that was a part of the catalyst for that change.

LARRY VANCE: Right. Those are very interesting buildings, the 20-story mass timber building that's all wood. The way the 02 specialty is written, though, just because it's wood doesn't mean they go. So wiring methods

in those buildings change as well. Very interesting, when we looked at the changes to go to the six stories.

And you are credentialed building official as well as an electrician, correct.

BOARD MEMBER TUMELSON: Yes.

LARRY VANCE: So the thing that we learned is that firefighters have ladders that will reach 75 feet. And this is what drives fire resistant construction. It's a very interesting relationship with the first responders about wiring methods and building lines and all of these things.

Where this was encountered the kind of that fringe of the 02 was difficult wherein highly architectural homes where they would go ahead and type 5, is it could be Type 1, 2, 3, 4, any of those is the five, right? I mean 5 is the ...

So you can have an architectural, beautiful architectural concrete wall in your home, but now the electric -- the residential electrician can't do anything, can't run a conduit in that wall, can't rough-in a conduit, can't put receptacles on that wall. I mean, we're not going to know, if it's a one, two, multifamily dwelling and it's within the scope, so it just allows them just a little bit of clarity there as to what they could do.

CHAIRPERSON JENKINS: Any questions? Thank you.

LARRY VANCE: Also in that section, just a little clarity around what is an ancillary building. And there are inspectors that have encountered people that will build a home. And then they will build a 200,000 square foot riding arena with stables. And they say, "that's my home."

And we're clarifying here that facilities used primarily for commercial purposes, except for those directly associated with the functionality of multifamily complex residential units are not within the scope of work. So in other words, that 200,000 square foot riding arena, that is clearly a commercial enterprise; that is not within it.

If a multifamily structure has something like a weight room just for the occupants, a pool, you know, a laundry, a common laundry. Those are what is known as something that is associated with the functionality of the multifamily. So we couldn't say that -- we couldn't say the first half of the sentence without saying the last half of the sentence, because you would've, you would've made a requirement that would not allow commercial.

If you're feeding coins into a washing machine, it's a commercial enterprise, right. But we want to make sure that we don't make that a commercial enterprise as

far as a multifamily, because it's very common.

On page 163, just a slight clarification about the limited energy 06. I've been doing this for 17 years, and in this position, and I don't know how many people about the times of people have asked this question, but you know, "Can a limited energy electrician replace anything?" I mean, can you do that? It doesn't say so. It says they can only install. That's what it says.

So all we did was just this is just a little so somebody doesn't have to answer that question for the next 17 years. They can install repair, replace, and maintain.

So the most, probably, the most complex change in this entire rulemaking is the changes that are in WAC 296-46B-922. These are the HVAC refrigeration specialties.

BOARD MEMBER COX: Larry, can I back you up.

LARRY VANCE: Okay.

BOARD MEMBER COX: To page 163 again. Limited energy.

LARRY VANCE: 163, limited energy.

BOARD MEMBER COX: Just previously addressed. I was reading on down that for clarification, and the next sentence, two sentences after that, this specialty includes the installation of telecommunications, HVAC, refrigeration, low-voltage wiring, et cetera. Again it

says installation, not installation repair, placement, and maintenance.

Should that also be clarified or somehow?

LARRY VANCE: Let's see, I'm trying to find, so we go from E to F.

BOARD MEMBER COX: So I'm still in E, limited energy systems, 06. And where you had added, where you say limited to the installation of signaling and power limited circuits, you've added repair, replacement, and maintenance.

But if you go two sentences down, it states this specialty includes the installation of telecom, HVAC, low-voltage, fire protection signaling, intrusion alarms, it does not clarify repair, replacement, and maintenance of telecommunications, HVAC, low-voltage, fire protection, et cetera.

So even though sentence one states it, do we need to add the clarification in the following sentence to say that the specialty includes the installation repair or replacement and maintenance of telecommunications HVAC, low-voltage, fire, et cetera?

BOARD MEMBER NORD: Or could we just eliminate the words "installation of." And it would read speciality includes all.

BOARD MEMBER COX: Oh, good point.

LARRY VANCE: Either would be easy to do. Eliminate the installation.

BOARD MEMBER COX: I agree with Board Member Nord.

CHAIRPERSON JENKINS: So if we word this a little bit...

BOARD MEMBER NORD: Do a little wordsmithing.

LARRY VANCE: We will strike the installation of, and in that way, it's we're not getting into an argument.

BOARD MEMBER COX: Right, the WAC contradicts itself. You have the question for 17 years, now you'll get the same, if that contradicts itself.

LARRY VANCE: Right. Yeah, if I'm working on telecommunications so I can only install that or, yes, got it.

BOARD MEMBER COX: Thank you.

LARRY VANCE: I'll refer to that as change number three on the advice of the board, change number three.

Okay. Now we're going to go down to WAC 296-46B-922 F. Page 164. As part of this package, I've provided the Board with one of the big changes that is in this section is we actually restructured this section. The reason we restructured the section is that there is

essentially, this workscope is not built like the other workscopes. In other words, you don't have subsection F as a specialty. Subsection F is two specialties. It's the 06 and the 06A.

So the 06A existed until about 2004 when the 06B came along. And what they did was they shoehorned that in. And they left, there is kind of a general section that starts in F, F 1 there is a general section that applies to both of these specialties.

And what we've done with the restructuring is that we've taken this that applies to both specialties, and put it within those specialties, so that everything is linear now when you're in that specialty. You don't have to go up and back and out and back. This was actually the suggestion of our -- one of our trainers, Darren Allred.

Darren said, "While you're at it, why don't you reorganize this," because it's one of his most difficult things to train inspectors on this back and forth. Having said that, in this section there is an awful lot of strikeouts and cross outs and everything else. But if you look at it, as it's reconstructed is it provided a copy of the Board, it's very simple what the changes -- what the changes are is actually three allowances for the HVAC scope of work to allow certain activities that are now prevalent within their industry.

The first change is -- has to do with mini-split HVAC systems, which are becoming the prevalent form of installations. And there is no such thing as, you know, possibly -- I'm not going to say there's no such thing as replacing a piece of heating equipment, a gas fired piece of equipment. I think you can still replace a piece of gas fired equipment. I think the energy code will allow it.

What it is is it's just getting HVAC as it was is no longer as it is. Meaning that the shift away from forced air systems is -- it's here today. In other words, we don't have new ducted installations going on in one or two-family homes. The reason we don't have the prevalence of ducted systems are going away is because now, what you have, is you have rooms, individual rooms, individual temperature control, you know. And then the energy savers. So the energy credits that you get from installing these mini-split systems.

You're not going to see, with the energy credit calculations, you're not going to see the other installations going on, you're not going to see people installing, you know, forced air electric furnaces just because of the energy reduction.

And then the air-conditioning, that whole system is not as efficient as the mini-split system. You're

going to see mini-split systems that are replacing ducted systems. The only thing they replace is the air handler. So you have a condenser compressor outside, you replace the air handler, and you may or may not have axiliary heat within that air handler.

They have mini-split systems that will deliver hot air when the outside temperatures (unclear). The capabilities of these systems are incredible. So there is still a system that this whole section of rule that applies to mini-splits is all written to address residential and light commercial installations, light commercial, three floors or less. Just very similar to the other restriction on commercial activity for the 06A specialty.

The way these systems work is that there's a cable, there's a power cable and a communication cable. That cable originates in the outdoor unit of the mini-split. So that out there is the brains and the power source and it is also, I get quite interested quickly.

So you have this cable that runs from Point A to Point B. That's the only purpose. And they actually make mini-split cable. And it's all sized, it's all colored, it's all yep, yes.

CHAIRPERSON JENKINS: So mini-split cable that you're talking about, what kind of listing does it have on

it?

LARRY VANCE: Oh, it's --

CHAIRMAN JENKINS: DC cable.

LARRY VANCE: Some of it's nonmetallic sheath, some of it's metallic sheath, some of it's jacketed metallic sheath.

CHAIRPERSON JENKINS: So if I take my jacket and I take my M cable and they read label on it and call it a listed cable for their equipment?

LARRY VANCE: Well, cable manufacturers are responding to the need for this cable, so what they've got cable that's exactly tailored for their needs. Because these cables are, the typical system is not drawing more than say 7, 8 amps on the cable. So that's 7 or 8 load maybe. The limitation that it's in this workscope is 20 amps, 240 volts, so you're looking at some number 12 at the most.

But what you're looking at with the cable that's on the market right now is it's pretty much 14. Because the mini-split systems are limited mechanically at a certain distance. You can only move, you know, you're only going to have so much distance between your outdoor equipment and you're indoor, right. So there is a natural limitation. So there is a natural cable limitation. So it's not as if you're going to have to, you know, wherever

the line set goes, the cable goes, which is very, very simple.

The terminations that are involved in this wiring, again, very simple. Very limited. They've even got the cable so that color and the wire numbers, the wire is numbered for the mini-split industries. So it's gotten to -- what's been on other shores is now on our shore.

This is just something that is changing the world. I mean it's here. It's the technology; it's a shift. We had legislation on this as far as this rule change. We also had a letter that came from two legislators, a representative Hoff. I can't remember if they're senators or representatives, so two legislators, Sells and Hoff were the two. There was a ranking member and a chair, and I believe it was the House. I believe they are State Representatives. I may be wrong.

Long story short, the Department's had a lot of interaction with the HVAC industry on this, a lot of help, a lot of guidance along the way to get to where this draft rule is today. We've also a lot of help from the industry to help to write a rule that has sidebars on it. That's been the most difficult; how do you make something with side rails on it.

You know, the next thing you know 06A electricians are going to be wiring the entire building.

You know you let them do this and they're going to just go crazy. So how do we do that.

And we think that we've accomplished that within this section. That there is adequate -- adequate allowances to allow 06A's to continue to practice their, you know, the craft that's involved in their industry.

CHAIRPERSON JENKINS: Well, after going to this, I'm just going to bring it up on this. This one here is being talked about, this whole section.

They're trying to add the capability for an 06A to install a branch circuit. So take a cable from the outdoor unit, run into the building, the walls, ceiling, floors and install a branch circuit to feed the head, currently, now it's all run by the 01 and 02 electrician, by law, by code, it's supposed to be done by the 01, 02 level electrician; is that correct?

LARRY VANCE: Yes --

CHAIRPERSON JENKINS: So it was never done --

LARRY VANCE: 06A's.

CHAIRMAN JENKINS: -- install a circuit at this point. They're doing it, if you talk to an 04 and find out why they are doing that.

So they've never installed, ran circuits as far as their licensure, their certification goes. This addition is now going to give them authority to install

branch circuits from a heavy unit out to the location of the device, with no change in, no change in, no added requirements. They just all of a sudden are allowed to install branch circuit wiring.

This is, I think, this is the third time, that we've seen it go through the tack and attempt to get this branch circuit installation. And every time it gets brought up, it gets returned back, and says "well, change your required training, change your required something," and it's never changes, never been added to that. So now we're looking at a third attempt to ask the same question of us, that we want to do this wiring. Again, they haven't changed anything beyond that point.

And I know that this industry has changed a little bit, there's a little more of them. Well there's already 01, 02s doing this work. So it's the business model of the contractor decides says "hey, we want to install this wire, but we don't want to hire an 01 or an 02," that's a business decision. That's a business model issue.

We shouldn't be changing our industry to meet someone's business model. And that's what this is doing, in my opinion. And any other opinion of the room, I have a lot more I want to say minimal at the last of the room have the option.

BOARD MEMBER KNOTTINGHAM: I looked into this. And I googled HVAC contractors, you know, installers, people putting heating and cooling units. And then I looked them up under L&I's website for contractors. And I found 11 in 5 minutes that are either 01 that can do it or 02, 06, 06A.

So there are people out there that are doing this, that are following the current laws. And that's the way -- as Mr. Jenkins said, you know, that's the business model, and that's what they're following and complying with the rules the way they're written.

I don't see the need to expand this scope and to allow them to do more when there is already a method in there for them to comply.

CHAIRPERSON JENKINS: Yes.

BOARD MEMBER NORD: I agree with both Jason and Jack. This work has been done by 01s and 02s since Day One. And we should not change one scope of electricians to another just for this, change the 01 and 02s, they should employ the 01s and 02s so we can ensure the quality of the installation and the proper training.

CHAIRPERSON JENKINS: Any other input from anybody else? Positive, negative? Any thoughts?

BOARD MEMBER COX: Does this fall under NEC Section 440 that Larry was talking about earlier under the

one machine?

LARRY VANCE: In some instances, it does. And that's why it's easy to, this whole thing is, the scope of work, there's also a drawing that was produced for the board members. So the drawing shows, you know, the entirety of the system. Meaning that it's Point A to Point B. It's manufacturer's instructions.

We have looked at, in the past, as we've been asked, Rod Mutch, who is no longer with us, but a technical specialist.

WAYNE MOLESWORTH: He's still with us.

LARRY VANCE: He's no longer with the Department. I can report he is doing well.

We did look at the test questions and what the examinations is based on, conductor size and raceway sizing, raceway supports, conductor supports, all of the things that are examined on all of the things that it would take to safely make, to safely make an installation such as what's proposed.

So from the examination standpoint, when they become a certified electrician, they've demonstrated that they could find the requirements in an open book exam to make the installation. So, from that perspective, we don't have any concerns as a Department that their examination or their training needs to change, because of

the fact that they've already proved competency and been certified as an 06A electricians in that regard.

BOARD MEMBER KNOTTINGHAM: So we're talking about 06A, 06B, can do this in residences; is that correct?

LARRY VANCE: No, that's not correct. This is limited only to 06A electricians. This is only 06A electricians.

BOARD MEMBER KNOTTINGHAM: Currently.

SECRETARY MOLESWORTH: So, Wayne Molesworth.

I feel compelled to speak a little bit about the pressures that we were under when looking at this. And this has been something that our management, you know, has received phone calls about from representatives like Larry has mentioned before.

I definitely wanted you guys to have some input on this, but, you know, not very often are we split in the Department over things like this, but I worry about this. Because No. 1, we are changing the scope of work that they are more than capable of getting through examination and license, right? They can become 02 and 01 contractors, just like Chairman Jenkins said.

And this is going to sound a little broad, but I don't mean it to be, because it's probably limited to a small scope of contractors, but we have to remember when

we're making law and rule that when we pass something, it will apply to everybody. And not everybody, like Larry says, is competent because of an examination. And not everybody is making sure that their staff are getting the proper supervision and training during the installations that we have.

We strongly enforce, or have to strongly enforce with HVAC, because it's a very, very big industry, but we find a lot of violations in those terms from the agency. So for those reasons, I worry about that. And, again, for the branch circuit thing, we wouldn't let them run any other branch circuit by definition, that's what it is, right.

So we all have our different opinions of what this looks like and what it could be. But we are split in the Department a little bit in that regard. So I just wanted to make sure you guys were aware of that. Those are my feelings and I just wanted them on the record.

BOARD MEMBER BURKE: I was just going to say, this has been discussed since I've been on this Board, which has been a long time. And it comes up in and falls back to the same discussion every time, 01s and 02s are available, and that's their work. And I mean I'm just adding to your guys' points and positions.

It's definitely not the first time that this is,

we always end at the same place because of the branch circuit discussion.

CHAIRMAN JENKINS: Comments?

Well, I just wanted to bring up that there's two proposals that did come through, got the proposals from people that submitted them. And going through this, they wanted the change because sometimes the wiring coming together and for aesthetic appearance that was the effectively the comment that was made to one of them.

And they were complaining that it puts pressures on the 01, 02s to do the work versus having the HVAC people do the work. Creating efficiency challenges with others works spaces. I think that's our common, across the board, were always dealing with other trades working in the areas.

And everything in here is not talking about efficiency. All trying to make it more efficiency installed. And there's no gain, in my opinion, it's actually a loss of the safety, so they're taking efficiency and trading it for a less safe installation.

And this morning Wayne also mentioned that the inspectors because of the locations being whether a crawl space or an attic space they are less likely to be climbing attic spaces crawl spaces for inspections because of some requirements for safety purposes.

So and although they're installing a branch circuit that in some cases fished in and not inspected. And so now we have something that's not being, as well inspected as we would like to see it, and it's been done by people that have never been able to install this.

So for the same reason we talked about the last two times, they asked, still the same answer in the past. The same ask, I disagree with that. I think we should not be giving them the capability of installing branch circuits without more extreme or something that could change because nothings changed since the last two times that we brought this up.

Any other comments before we take a lunch?

BOARD MEMBER COX: So, for Larry, you mentioned being able to put side rails on this.

Can you point to what side rails have been put on this?

LARRY VANCE: The drawing, it, kind of, explains the side rails. Because the minute that somebody says somebody is installing branch circuits we are thinking a branch circuits throughout. These are circuits that have a definite purpose and a definite origination and destination.

This wiring wasn't being done a few years ago. This wiring is something, it's coming in, and it's filling

a gap that's being created by other types of systems being, becoming obsolete.

So you've got all whole obsolete heating and air conditioning industry being replaced by this new -- and it's not a new industry, it's new to the US shores. It's very prevalent throughout the world.

CHAIRPERSON JENKINS: Can I speak here for a second? I don't -- it's not, the mini-split that's the been around for a long time. That wiring has been around for a long time. That wire is being installed by 01 or 02 installers; it's not new.

LARRY VANCE: No, it's going from uncommon to prevalent.

CHAIRPERSON JENKINS: Yes, there's more work.

LARRY VANCE: Yes, more prevalent. Yes.

Nothing in this rule, you know, side boards back to your question, 06As would not be running conduit and building this wiring. Not even on the outside of the building. It's a site rail thing. The wiring has to be installed in accordance with the manufacturer's instruction. That's who is going to calculate the wire size and the distance and so on and so forth with the product. It's not something that an electrician needs to calculate. The manufacturer's already done.

The characteristics of this wiring is this whole

signal and power. And the sequence of construction with this equipment is such that we actually have laws passed that affected 18.106, which is the plumbing law and plumbing laws in 19.2A which is the electrical laws, because there was a time when you needed both a plumber's hand and an electrician's hand on a pipe wrench to take a heating element out of a hot water tank, because neither one of them could do it according to the laws.

So there was an allowance created that under certain conditions electrical, electricians could do plumbing work and vice versa. This is somewhat kind of an example of that. When you've got a piece of equipment, when you're mounting a piece of equipment there is a sequence that happens. You've got the whole thing completely torn apart. And you're going to connect to mechanical piping, and there at the same time, it's all torn apart, it's not just a little access panel you pull up, you've got to take it all apart. And there is also, you know, several wires terminations that are made there at that point as well.

So it's a little different animal than somebody that, when you set a furnace, for instance, the furnace works, but nothing is connected to it. The majority of the work is in the mechanical ductwork, ducting of that system. That work essentially is going away. There is

going to be these little lines sets and wiring.

So shift in the industry, shift in the Washington State building code that's driving this and those are the forces that we're facing today.

BOARD MEMBER COX: The reason for my question on the side rails is to try to address the issue which is on the floor right now, which is, this is going to be a runaway truck. We're installing this hybrid cable now between the head-in unit where the overcurrent protection is connected. We've got all of this hybrid cable going through the unit.

LARRY VANCE: Yep.

BOARD MEMBER COX: This is somehow going to run away and not get inspected. It's not going to be installed properly. They're not going to have proper education.

That's why I'm asking the question on what side rails have been on to try to alleviate the issue that's on the floor; which is, this is going to run away and this industry is going to take over and start installing branch circuits right and left.

LARRY VANCE: The permitting is something that's not -- so, for instance, if it's not under the 06A, the permitting would still falls in 01 and 02 contractors and electricians. Here, what would be new for the 06A

industry is they will be obtaining permits and having inspections done for these circuits. So we will be looking at all of these circuits separately, a separate permit from the dwelling unit or the building. So there will be proper oversight on all of it.

The fish wiring, for instance, it doesn't matter who installs it, you know, if they're pulling fish wiring through insulation in an attic, there's really not any way to see what happened other than the fact that maybe we've got a pretty good idea that there trusses on two-foot centers from Point A to Point B and it's probably sitting on something.

Yeah, it's different for us; it's different for the industry. And right now with the position of the State Building Code Council and the Governor's initiatives and all of these questions, there's a need for some change here potentially, so that's kind of where we're at.

BOARD MEMBER COX: Thank you.

CHAIRPERSON JENKINS: So let's take a break here. How much time do we need?

SECRETARY MOLESWORTH: It depends on if you want lunch. I've got an issue I have to deal with on this break.

CHAIRMAN JENKINS: Let's come back in an hour.

(Break from 12:30 p.m. to 1:37 p.m.)

CHAIRPERSON JENKINS: So, where are we at? Anybody have any comments or questions concerning the subject of the 06A branch circuit.

BOARD MEMBER BAKER: Thank you. I appreciate everybody's comments before lunch. Jack, I appreciate you looking up contractors and how, you know, 01s and 02s are available, so the solution for these kind of installations. Jason, your comments about the training and safety.

I think this is really a safety issue, in my opinion. And I don't know how, this isn't something new. It's been put forward before. I just don't think I can support the change right now until I saw some measures that were taken to ensure these individuals are trained for this type of work.

So that's how I feel about this. If you like me to table this until it comes back around the next cycle and we can talk about it again. But I'd like to see some insurances that there is training and levels taken to ensure that the safety around this type of installation is resolved.

One comment that was shared that was disturbing to me is the fact that the legislature, lobbyist, that industry, especially our legislature put as much pressure on the Department as they did to get this in front of us

today. And what kind of pisses me off is we work for years to try and get a compensation package for our electrical inspectors with virtually no support from that group.

And for them to go, you know, all in on this and having not supported our position on trying to support our inspectors. We've finally got that resolved, but from my perspective, yeah, that's a little frustrating.

CHAIRPERSON JENKINS: Any other board members have any more? I have other stuff I want to cover here. If I need to, I think I'm getting the gist from the Board that we want to put this off to remove this allowance for now. Does anybody have any -- are we on the same page for this? Maintain where it's at? Larry, comments?

LARRY VANCE: Yeah, this is something that, there is also two more provisions for 06As. There is the under voltage, overvoltage service suppression allowance. And there is also an allowance that for when a gas furnace or oil fire furnace is replaced that they are allowed to install a local overcurrent device within six feet of the equipment.

This is to facilitate the fact that the maximum overcurrent protection is now 15 on that equipment, as it's manufactured, rather than 20.

So what is happening to people that are making

installations, retrofit installations is that they are faced with a circuit that is not compatible with their equipment making a like in kind replacement but their circuit isn't compatible.

So this allowance, this was an outside proposal, that the technical advisory committee discussed at length. And with some side rails provided by the Department, which we've done, they were in favor of allowing that provision for 06As.

As far as the technical advisory committee, on their advice on the overcurrent, the overvoltage/under voltage surge suppression protection, that was more along the lines that it was an outside proposal and it didn't have a lot of information, and it didn't have a lot of familiarity amongst the committee members.

We took a look at it after the fact and found that these were just very simple devices, that you could just add it inside, outside, or on the disconnect. And it's strictly just pig-tailing on the load side of the disconnect to add this feature.

The reason it's needed is is that when you take, for instance, when you take the top off of a ductless mini-split, when you take the top off of it, the entire thing is a circuit board. I mean, it is you know, it's like a computer, right? It is a computer, so to speak.

And it's not a new single-family home, for instance, it's not going to have surge suppression installed at the time it was built. A lot of homes built before there were surge suppression requirements.

So what this allows those 06As to do is it allows them the time to change the equipment out, go ahead and protect the equipment so the homeowner doesn't have a costly bill with any sort of power quality issue. So it's just allowing them to in their equipment, on their equipment or on the nearest disconnect to the equipment, install that.

And, again, it looks more like, I equate it to the most of them look like about the size of a photocell, you know, a photocell cube. So it's not anything that's, it's three wire nuts is what it is.

BOARD MEMBER NORD: Larry, is there any concern within the Department on legislature being around this Board that we end up with somebody the people they don't have technical experience, work experience, or electrical expertise like this Board does by passing a piece of legislation around this issue?

LARRY VANCE: Kind of the history of what got us here today talking about this issue is that there has been past proposals that have gone through the cycle of, you know, the Department advertises proposals, and then the

technical advisory committee provides advice on the proposals to the Department. And the Department takes that advice and moves forward with the proposed rules.

This is the first time that the Department has moved forward with the proposed rules that include wiring for mini-split systems.

The reason we went forward with it is, one, the technical advisory committee was split on the issue, so there was a few more in favor than, you know, a few more supported it than opposed it. And, of course, just a letter from a couple of legislators to the Director. Meaning that, they had received a bill. I think that representative Hoff was the one that sponsored the bill.

And it was explained to him in the committee hearing that the bill wasn't necessary because the Department had the rule-making authority. Could this be done by the Department through the rulemaking authority. And the answer to that is yes.

It was several years ago where the legislature decided to get out of the rule-making business, and it was telecom, it was a legislative workscope. Equipment require was a legislative workscope. I don't think there was another one. They made amendments that made it so that those were no longer -- they were still legislating, but they were saved or otherwise modified by the

Department.

In other words, they put the Department in, they gave full authority to the Department to modify work scope.

BOARD MEMBER NORD: So if the legislature goes around this Board and implements some rules that are deemed to be unsafe, do we have any mechanism of correcting that?

LARRY VANCE: We can provide advice. We can provide advice, but we would have to have some substantiation that says, "for these reasons, this is not, you know, for these safety reasons," this is why we do not recommend this. Or we would also be asked to probably give technical advice on what could be included as far as training.

There was a time when the HVAC was becoming part of the licensing and certification regulation that HVAC was going to have its own board. That HVAC would have its own, you know, it would be autonomous from the electrical board. So there's been a lot of iterations of what regulations would look like within the industry in the past.

The one thing that's very evident today is the pressures that are coming out of the State Building Code Council, the Governor's initiatives as far as reduction,

carbon reduction, and just this overall shift. There's a lot of -- we looked at it as you take and make reasonable rules that we can -- that we can probably not have to go through the process of draft, of draft legislation.

Because that's the next thing the Department would be asking us to do. We just do that, because it's part of it. We have to, kind of, set aside all of our own feelings, personal feelings, and assist, and whether or not we agree with something or not, it doesn't matter. We assist and provide the best product for that statement. It very well, this could appear again as a piece of legislation for sure.

CHAIRMAN JENKINS: Board Member Baker.

BOARD MEMBER BAKER: So wrapped around a little bit. So we're talking about a surge protector. In my mind a disconnect on there's contractors 01s and 02s that install that surge protector. Now, I understand that that piece of equipment is a computer and it needs a surge protector on it.

You tell the legislature, you tell the lobbyist to go back to the manufacturers, like everybody else does, and put a surge protector in the unit. It needs to be protected.

Otherwise, we have 01s and 02s that can install that surge protector, if that needs to be done and that's

how I feel about it. We're responding to pressures from outside sources and I think it's unreasonable.

CHAIRPERSON JENKINS: Over here.

BOARD MEMBER KNOTTINGHAM: You mentioned two changes, the other one was the addition of, a change, you've got a circuit to an existing gas fire, or a fire furnace. You replace it because of like in kind. Like in kind is the same circuit characteristics. It would not allow, currently wouldn't allow them to put a disconnect, use a disconnect to drop the overcurrent protection down to protect that equipment, it would have to be like in kind, 20amp, 20amp, 15amp, 15amp.

I've got concerns about, and I understand why they want to do it. And I think it's reasonable to ask, but I have concerns about the training and everything else that goes alongside with it. And there, again, once you allow that, then they're doing a branch circuit. I think you just kind of open the doors again.

So I'm concerned about that provisions.

CHAIRPERSON JENKINS: Board Member Bobby Gray.

BOARD MEMBER GRAY: Thank you, Mr. Chair. I have a couple of questions on each one of those provisions. The first one was the overcurrent protective device.

Is this still limited just to dwelling units; is

this is just a residential application?

LARRY VANCE: It's a 120-volt 20-am circuit max.

BOARD MEMBER GRAY: Anywhere?

LARRY VANCE: It's within six feet of the equipment, yes.

BOARD MEMBER GRAY: So there wouldn't be A concern about interrupting ratings or anything like that?

LARRY VANCE: What they're typically, their target device that they are looking at is the base that screws into a little device. They just want to do it, you know, just like with a disconnect. They want to use the most reasonable approach.

BOARD MEMBER GRAY: 5000 amps.

LARRY VANCE: Yeah, it's the fact that the manufacturers have shifted on that type of equipment to this equipment now has various drives, a lot of electronics in it.

BOARD MEMBER GRAY: Well, really, the basis for my question is, did they know enough about that to look to see what the interrupting rating is of the 20, if it's like in kind?

LARRY VANCE: Oh, they're reading the nameplate. Yep, they're reading the nameplate to make sure that the nameplate information is compatible with the circuit that they are reconnecting. And what they're finding is that

for gas furnaces, it's not for gas furnaces.

BOARD MEMBER GRAY: And then regarding the surge protective devices, we don't, or at least I didn't see where we specify what type of SPDs they're putting in there. Because some SPDs, you're not permitted to put in in the field. They have to be installed by the manufacturer. And I don't know if that would apply to this or not, but we don't specify in our rule that says they're limited to just these.

LARRY VANCE: We're going to follow the manufacturer's instructions on the SPDs. And if it's allowed; it's allowed. It's not -- the SPD has to be local to the equipment. They're in it, on it, or to the nearest disconnect to the equipment space.

BOARD MEMBER GRAY: So this isn't a modification after the fact?

LARRY VANCE: Not necessarily. In fact, one of the HVAC suppliers out there showed us a disconnect where the surge suppression is integral to the disconnect; in other words, it's factory wired. It's ready to roll. That will be something that, you know, an 01 or an 02 electrician could install from the outset or for replacement.

But what it's allowing, what it is is that the industry realizes that this is something that's needed to

protect due to poor quality issues. This is just, again, this is, again, this is a consumer safety thing, consumer, you know, it's a consumer protection.

It's really nice that you just had this new 15,000 system installed, but the tree limb major powerline I know you were $3,000 for a service call. So it's just something that -- it needs to may be a really good cheap insurance policy to protect your equipment.

CHAIRPERSON JENKINS: Larry?

LARRY VANCE: Yeah?

CHAIRPERSON JENKINS: The question today as everything is written, before any changes happen, does their licensure, surge certification allow them to put that inside the unit anyway. That's inside their equipment, right? Is the opening of the equipment and the install inside their equipment, that's it allowed today, right?

LARRY VANCE: They can replace equipment inside, they can replace components inside the equipment, yes.

CHAIRPERSON JENKINS: So the manufacturers says "this is a device that belongs with this thing, add these, 800 bucks, open the thing up; here's the installation instructions, pop inside your equipment, have a good day. And we can't -- that's a part of their current allowance to date, correct?

LARRY VANCE: Yeah, and that is if the manufacturer has room within the equipment to accomplish that. Again, you'd have to pull the top off of a split unit, you're looking out circuit breakers. There's not a lot of spare room inside a split room.

CHAIRPERSON JENKINS: In some cases, but you're also saying that this wire be okayed by the manufacturer for them to select the device. So the manufacturer falls back on the manufacturer say hey, we want this type of device. This is where you put it. It goes inside the unit. And they can do that today, right?

LARRY VANCE: Yeah, it's a manufacturer, yeah. It is, but there's some equipment and some manufacturers that will not have that because of just the design of their equipment wasn't designed for that. That's why the disconnect manufacturers are more than likely manufacturing disconnects with surge suppression.

It's not a factor in new homes because new homes the code requires surge suppression for new homes. So it's more of a problem, it's more of an issue than is present in the retrofit market, so.

CHAIRPERSON JENKINS: Yes.

BOARD MEMBER KNOTTINGHAM: Larry, I'd like to go back to the disconnect. So if I have a gas furnace in my house. And it's old and it needs to be replaced. I have

a toggle switch as a disconnect. So if that was going to be replaced with some 20-amp circuit then that box would have to be pulled off, the disconnect would have to be installed with fuses dropping me down to 15 amps according to what you've said about the new equipment; is that correct?

LARRY VANCE: That would be more than likely so, yeah. Some configuration there of either adding a device, you know, adjacent to the box just as long as you put the device, and I would imagine along with the device, on the load side of the disconnect switch. So the device is easy to service, but just very simple.

BOARD MEMBER KNOTTINGHAM: Yeah, I just think that's too much. You know, if the disconnect goes bad, they can replace the current one, correct?

LARRY VANCE: Well, that gets interesting, because they can replace parts of the disconnect. And I don't know how you replace parts of a single, but that's, again, where the lines are drawn. That it gets, you know, there is a line there is for specialties, and it may not always be perfect.

CHAIRPERSON JENKINS: Any other comments concerning the disconnect being offered, general consensus? No, leave it the way it was?

BOARD MEMBER NORD: Leave as it sits currently.

CHAIRPERSON JENKINS: So leave it as it sits currently amendment to the licensure.

LARRY VANCE: So for my understanding, the Board, their advice is not to support any of the changes for the 06A specialty. One of the changes being installation of branch circuits for associated mini-splits, installation of surge suppression under voltage/overvoltage protection. And the third one being installation of a local overcurrent device replacement for gas furnaces.

Is the Board, does the Board have any issues with the reorganization of the work, scopes of work, as far as making them linear and understandable?

CHAIRPERSON JENKINS: Board Member Knottingham.

BOARD MEMBER KNOTTINGHAM: I don't have an issue with reorganizing. I think it makes sense if it's easier to read. But I would just comment make a difference. I would just make to make sure that the scope the way it's currently allowed would still be allowed and not modified either by either extending or restrictive. You know so that it would be I guess a parallel method just easier to read I think that makes sense.

LARRY VANCE: Right. Okay.

CHAIRPERSON JENKINS: Does the Board support that?

Before we go on, I wanted to say I really appreciate all the work that you've done to get it to the way that it is today and all of the reworking. So again, I appreciate the work that's been going into making these modifications. I need to make sure and say that you guys have done a really good job trying to make everybody happy, and I appreciate that. I really do. I think everyone here feels the same way.

BOARD MEMBER BAKER: I do feel that way. And I don't see any compelling reason to make a change right now. So I know this is coming back before this Board at some time. There's got to be a compelling reason for me.

LARRY VANCE: Well, I think that that's the extent of conversations around changes to scopes of work. This is about eight pages of red ink.

A lot of scrolling going on right now. This is good, not much left. The good part of this is you don't have to watch me scroll on the big screen. I'm going out to Hanford quite many times, having to get recertified many times. And sitting and scrolling and moving your mouse around is one of the best forms of security if you feel that someone is looking over your shoulder. It will actually cause them to look away. Nothing like some good scrolling, good mouse scrolling.

So I'm now on page 213 out of 248. WAC

296-46B-942. And this is rules about training certificates. And this is just a housekeeping change on page 214, remove the date. It no longer has relevance. It had relevance in the past. I thought I had something more here, but I'm scrolling to 15 now.

On page 218, we've made a clarification here about affidavits and when affidavits have to be received by the Department. There's a little bit of confusion about what submit and what receive means, if they mean the same thing. So we're just clarifying here on page 218 of the document that affidavits must be received by the Department within 180 days after the expiration date and of electrical training certificate. So to remove any confusion about the difference between "submit" and "receipt."

Subsection 9 on page 219 is nothing more than, it's just obsolete requirements that spoke of things, requirements prior to July 1, 2023, just being removed. More housekeeping.

So on page 220 of the document just a little housekeeping as far as affidavits for registered apprentices were required to be signed by the training director. And there was a request by that community that they also would be allowed would be able to use a designated authorized signor. Then they didn't have to be

the training director's signature, it could be one of their staff.

We currently allow that for electrical contractors. In the apprenticeship standards, there's a section in the standards that addresses who can sign apprenticeship-related documents. This is something that's reviewed by the Washington State apprenticeship and training council.

So those persons are very readily available, are readily identifiable as to whether or not there is somebody that could be signing that. But if it's an apprentice named Joe and it's signed by Joe, then we can figure out that Joe's maybe not an authorized signer, so.

Let's see, on page 221, we're getting to the end. We're so close to the end.

Oh, special accommodations for example.

CHAIRPERSON JENKINS: One second. Question.

BOARD MEMBER KNOTTINGHAM: Can I go back just a second. So what you just talked about the designated signer, the part below that 13. It seems like that kind of contradicts what's above. Am I -- I don't know if I'm reading that right.

So for an apprentice, it's the training director or designated signer, and then it goes on to the individual employer. So is that another option, the

employer or their designated signer?

LARRY VANCE: No, let me get back to that. What page are you on?

BOARD MEMBER KNOTTINGHAM: 220. I think you have 221 probably.

LARRY VANCE: 220 of the document or 220 of?

BOARD MEMBER KNOTTINGHAM: The page, I think I understand. So Section 12 deals with an apprentice. 13 looks like it could be a trainee working for the employer.

LARRY VANCE: Individual employer, yeah.

BOARD MEMBER KNOTTINGHAM: That makes sense. Sorry about that.

LARRY VANCE: Now we're into WAC 296-46B-960. Page 226 of the document, under section called special accommodations for the examination, (4) subsection 4. I may have spoken to the Board about this previously as well. But electrical examinations are, they're based on copyrighted materials. Copyrighted materials are not translatable materials. In other words, they are copywritten. They exist in the form that they exist.

Then you also get into laws and rules. And I don't -- I believe that the only version of the Washington, for the revised code of Washington is the one in English, because if you try to translate it, it still have the same legal. I'm not a lawyer, but ...

So we watched exam candidates struggle with, when they have a language barrier. So we have exam, we have exam candidates that come out of apprenticeships and I think they come from other countries. Their only real barrier is not always the material, it can be the language.

And so, this is a very old section of the rule that allows for readers and allows for different avenues to -- for someone, for a candidate to approach an exam. All we're doing is acknowledging that a language barrier is something that would allow them an accommodation for the exam, more time.

So we found that when, even exam anxiety is something that is, you know, it's a fairly -- when someone wants more time for the exam, the way the rules are currently written, there's probably an avenue for them to obtain more time for an exam. They just need to read the rules and act appropriately to get the accommodation.

So we've added that in acknowledgment of the fact that if we did translate an exam for them, would we be doing them a service by translating the exam, and then having them reference documents that are in -- not in their preferred language, laws that are not in their preferred language. What have we done by translating, we haven't -- nobody's accomplished anything.

Most of the time, somebody needs is, they've gotten this far, they've gotten their hours of experience. They've had some training. And what they need is just the time to get to the exam. So that's why these changes are made.

Page 228 is the last of those changes in that section. We're close. You've got a repealer, and the repealer here at the very end, this is the last change in the law changes. It just says that it's repealing WAC 296-46B-406R and that was the tamper-resistant receptacles in certain occupancies.

The reason that it is "406R" is because 406 was repealed at one time. When you repeal a WAC rule, that number is gone. It's gone. It's been repealed. If there is another thing that comes up in 406 that we want to address, it's going to be 406K, or you can just pick a letter, it's going to be something different. That was something that we learned.

The only other things here are the -- as we get to the end of this document is the explanatory information that I've provided the Board, the diagram for mini-splits and the redrafted 06A, 06B scopes of work.

BOARD MEMBER NORD: Question for you.

LARRY VANCE: Yes.

BOARD MEMBER NORD: Going back to the language

barrier. I'm a little bit confused.

If the language barrier is a problem with the journeymen's test, how does the applicant get through the apprenticeship program? And if the applicant has gone through the apprenticeship program and is in the process of getting a license, how do they work on the job with the language barrier without the proper documents?

LARRY VANCE: Well, if they prove in the certification examination is that with a little bit more time, they're able to access the correct information.

BOARD MEMBER NORD: But when they gone through the apprenticeship program for 01 required by law, shouldn't they already have those skills? Don't have to have to have those skills?

LARRY VANCE: Were not the medical professionals or the language professionals that can make an assertation as to how it affected somebody is by -- I mean there's federal laws involved about what your language and preference is.

For instance, we had a person that was inquiring about getting their exam translated because, they were in an apprenticeship, they had completed an apprenticeship, and they wanted it in another language that was their language of choice. There's other federal laws involved.

And so it's the same federal laws that drive

when you get your -- when you get a bill in the mail from the power company and there's five or six pages of everything in other languages, right? It's just, it's where we are as far as how the federal government, the state government approach language access.

BOARD MEMBER NORD: Do we actually have people requesting this when they take an exam?

LARRY VANCE: We have. It's not often, but we have had several. And, again, it goes back to when you have the conversation, what do you hope to accomplish? They hope to accomplish having all of the information for the exam translated, the copyrights are going to stop them on that. The inability to translate laws and rules is going to likely stop them on that.

So the alternative is that you take the exam as if, you know, in the prescribed amount of time.

BOARD MEMBER NORD: Okay. So, for example, (not able to hear.)

LARRY VANCE: Correct.

BOARD MEMBER NORD: So can they go out, for example, and get the NEC code in their language?

LARRY VANCE: I believe it's available in Spanish. I believe it's available in Spanish and I'm not sure of any other languages just in Spanish.

BOARD MEMBER NORD: So how do they work on the

job, if they can't understand how to do it in English?

LARRY VANCE: Well, there is hardly any electrical products out there, products, that they all come with a thick book. And English is E and it comes after, you know, all of the other languages.

BOARD MEMBER NORD: I'm just thinking --

LARRY VANCE: I understand what you're saying.

BOARD MEMBER NORD: I run a big company. I've got 50 people that speak English, I don't want them on the job. After they've gone through an apprenticeship program. I know we make these rules because of all these other laws, but the practicality of it doesn't make sense some times.

LARRY VANCE: Yeah. It reminds me, this is kind of off topic, but it reminds me of a Hungarian gentleman that I became acquainted with when I worked here in the Tri-Cities. I lived here for eight years, and there's a food plant up the road there, job a trailer on the job site.

And this Hungarian gentleman was in there and he's in the apprenticeship program. And somebody piped up and said "hey, where are you from?" Just as flat as he could say it, he says "Kennewick." As far as he was concerned, he was just a guy from Kennewick.

And you know, he did speak with a very thick

accent. And he said that being an electrician in Hungary was a terrible job. You chisel grooves in walls. And he said you drink, most people are drunk, they drink a lot of vodka. He say's, it's a terrible job, a chisel and plaster, chisel and plaster is the term. He said "I like this job. I like America." Nice guy.

The challenges of that, I can't answer really speak to what motivates. We all came from somewhere.

CHAIRPERSON JENKINS: Board Member Baker, do you have a question?

BOARD MEMBER BAKER: Just to answer Mike's question. We do have some guys that have some language barriers, and there is some challenges working with them. But they're good workers, they do a great job.

I think the difference is the tester taking time. And I can allow them some time or I can do some workarounds, but when they sit down for an exam, they've only got so much time. And the Department is saying, give them a little bit more time. That seems reasonable. I don't know how you verify that, but it seems reasonable to somebody a little bit more time.

BOARD MEMBER NORD: It seems odd to me that if you go through an apprenticeship program, and you spend four years learning the trade, you're going to take the exam. So I can take to get in English or another language

but knowing that the code in Spanish and English it just doesn't seem.

BOARD MEMBER BAKER: Well, maybe they're going to take it in English, but they're going to have more time.

BOARD MEMBER NORD: Okay. That makes sense.

BOARD MEMBER BAKER: They get a little bit more time because of the language barrier.

BOARD MEMBER KNOTTINGHAM: Just a quick question, they don't have to go through the apprenticeship to be an 01.

BOARD MEMBER NORD: Well, that's what I was using for 01s, that what I was using for an example.

SECRETARY MOLESWORTH: We've spent a lot of time with people in our division, equal rights and all that stuff to look at this, and determine what was the responsibility of the agency to actually interpret that or give them extra time.

And we found out that through federal law, we could be liable if we didn't actually interpret it when we're requested to interpret those things on an individual basis.

BOARD MEMBER NORD: So all you're doing is to just complying with the Federal.

SECRETARY MOLESWORTH: Yes.

BOARD MEMBER NORD: I understand.

CHAIRPERSON JENKINS: All right.

LARRY VANCE: Yeah, the whole thing is when you look at an interpreted document, if you're not an expert in that language, you no longer are really able to understand even what you can look at the English version and look at the language in the other version and hope that it can make the question and convey the answer possibilities as it is intended. Things get potentially lost in translation, so to speak.

BOARD MEMBER NORD: So how many languages are journeyman tests available.

LARRY VANCE: I think we've just currently got it in -- we've been able to work with the test, with the exam candidates, we've been able to work with them so that we all understand what can be done and what can't be done. And I don't know that we've delivered a translated exam to date.

BOARD MEMBER NORD: So this rule is a maybe.

LARRY VANCE: We may have delivered one?

SECRETARY MOLESWORTH: So we've delivered one, but you have to remember that those exams, the questions are picked randomly. We interpret it, if we're going to -- not interpret it -- but if we're going to translate it, it's going to be one at a time, right? And so we don't

keep a bank of exams in different languages. It would have to be interpreted at that time. We just don't get that many requests.

And so by adding additional time, we get away from having to do that, if they are willing to take it if they get additional time to take the exam.

BOARD MEMBER NORD: So they would get those randomized tests just like everyone else?

LARRY VANCE: I mean, they've worked that hard to get to that point. They're just that close. So it's just a matter of, hey it's two and a half minute a question. So when you're struggling a little bit with the language, two and a half minutes a question is difficult for a lot of candidates, because of stress and everything else.

And we think that -- we think that the Department's time would be better used not having to deal so much on the language side, you know, with people if they have more time. It's up to double the amount of time of what's allowed. And they do you have to, the way it's written, they do have to have someone attest to the fact that they've got a language, that they've got a, you know, that they're not proficient in the English language for instance. If their language of original or language of choice is something other than English.

CHAIRPERSON JENKINS: Thank you, Larry.

Is there anything else on this?

LARRY VANCE: I think I've got it. I think we've got a couple of things to go back here before the CR-102 and make some adjustments. And I think we've learned a lot today, so thank you all for this exercise.

BOARD MEMBER BAKER: Taking you back to page 83.

THE COURT REPORTER: Sorry. A little bit louder?

BOARD MEMBER BAKER: 83, ceiling boxes.

I think this is a very bizarre thing. Maybe I don't fully understand it. But locations acceptable for the installation of ceiling, ceiling suspended panels. We have code already in place that says you have to use a rated box for a paddle fan.

This, again, seemed like a clarification you are putting in here. I don't think this belongs in our WAC rules. I'd like to see this removed.

BOARD MEMBER GRAY: Thank you, Mr. Chair. 99.9 percent of the time I agree with Don, but in this case it's that .1 percent. Personally, I think, it was a mistake to put it in the code. If I had a choice, we would amend it and not put it in here at all, would be my choice. Because the way it's written in the NEC it leaves it up to the inspector to make a judgment call on where

they think the ceiling fan might go in the future.

So I mean that's some sort of projection. And the homeowner, the installer, or anybody else may not agree with that at all. No, I have that box there for a specific reason and it's not for a ceiling fan. So I just think the code language is bad. And so in this case I think we need to give guidance not only to the inspectors, but also the installers on how this is going to be enforced here in this state. Or get rid of it altogether which would be my choice. So anyway I respectfully disagree.

BOARD MEMBER BAKER: And I appreciate that. So help me understand then, is an inspector going to walk into a residence and every location other than what's listed here, there is going to be a paddle fan rated box on the ceiling? That's really bizarre to me.

I disagree with that, but if you guys all think it should be there, I'll make a comment in the future.

SECRETARY MOLESWORTH: So I just say -- I think I agree with Mr. Baker 90-something percent of the time, however this was something that we came up with because of exactly what you said, they wanted all of these boxes to be fan-rated boxes, just in case, right. And we didn't -- we thought that was very strange, and didn't think that the cost, we thought the cost was going to be a little bit

prohibitive.

And so we looked at this as a clarification of the NEC to determine, at a minimum, here's what we're going to say. If I walk into a house and I see a three wire in that box when I'm inspecting, I may say "hold on a minute, are you going to have a fan here with a light and you're going to control them both you know from that switch location?" And then adjust that.

But just to stay within the code somewhat, we did that four foot because of cabinets, other things that would prohibit you from having a fan in that area and thought it was fair to the people doing the installations, and the people that are buying those properties, that it wasn't costing them an arm and a leg.

Truthfully, it would be nice just to eliminate the whole thing. And then make look at it as, okay, I need to know where the fans are going in and look at the print that's on the site; sometimes there's not, and determine, does this look like it's going to be paddle fan and then have a conversation with the contractor.

But we decided that this would be the least intrusive, and then if they were going to question it, they could question it with the inspector at the time.

BOARD MEMBER BAKER: I appreciate both of you agreeing with me 99.9 percent of the time. This is not a

hill I'm going to die on. And I look forward to revisiting this the next code cycle and changing it.

CHAIRPERSON JENKINS: Any more questions or comments?

BOARD MEMBER TUMELSON: Board Member Tumelson, I just had a quick question about the concept of correlation of codes. And I know that you mentioned energy code and you know there's building code and electrical vehicle stuff is taken off in a big way and the residential code and in the building code. And I just wanted to, you know, take the opportunity to see if the Department's been doing any correlation of those other codes?

LARRY VANCE: Well, if it's in the State Building Code, the authority to enforce that State Building Code is given to cities, counties, and towns. The State has no authority to enforce the energy code, or the State Building Code. So that's an area that we, as Labor & Industry, we've stayed within our authority as provided by under RCW 19.28.

So the building code there is a real separation there. And yes, there are requirements coming in, but we don't require a fire alarm system, for instance. Nothing in the National Electric Code requires a fire alarm system, but it says that when one is present, here's the, you know, here's the requirements.

So if one is there, we inspect it and enforce the code requirement, the National code requirements. Same thing in electric vehicle charging, same thing. Or if there is some sort of energy monitoring system or something to that of effect, HVAC monitoring, or that sort of thing, that's required in the building code.

So we essentially stayed in our area of authority and let the building officials enforce the requirement for the presence of whatever it might be, and then we go ahead and make sure that they installed at the appropriate standards.

So as far as any correlation were aware of some things. Lorin Lathrop, who had to take off, he participates on the State Building Code Council as a nonvoting member. So he's in tune with some of the things that the State Building Code Council has looked at as far as provisions for electric vehicle charging for instance. If they are there, we'll inspect them. We've even given the State Building Code Council some advice in some of their drafting.

So what is, you know, what is required, is it going to be, you know a 30-amp circuit, it is going to be a 60-amp circuit; it is going to be an empty conduit? Is it going to be, what is it going to be? And they're working through those issues.

They are also working through any time, any time a new requirement is made in the State Building Code Council, the different interest groups line up and they're going to voice their opinions about, you know, somebody wants it, they can have installed later. Everybody shouldn't have to pay for it. So a lot of pressures around it.

BOARD MEMBER TUMELSON: And that's why I asked the question. Because, you know, the future code, if adopted in March, the 2021 code it's going to be requiring a 40-amp circuit for every new single family. And then the commercial provisions for the code, already have pretty strict requirements.

And, you know, we're at 281 cities and 39 counties and, you know, 27 jurisdictions having their own electrical program, to get continuity across all of that is impossible, if not very challenging. And the other provision, the RCW 19.28.281 does give some authority, I believe, to the Department with respect to the commercial provisions of an e terminal.

So I just was asking the question because, you know, it's a challenging topic and it's come up and it came up again.

LARRY VANCE: Right. No, we've stayed out of it. That provision came into the RCW with the House Bill

11, I can't think of what was it. It was about 2007 or '08. And it was sponsored by a group called Better Place. They were an electric vehicle infrastructure company. Their model was based around battery exchange. But they came in and really started the ball rolling as far as electric vehicle infrastructure legislation.

And while we haven't found any particular reason to make any particular rules as far as implementing it, because we look at it just like any other piece of electrical equipment and apply the National Electric Code accordingly. An electrical vehicle charger is no different than a forklift charger or there's just not, not much that's unique about that.

It's a requirement to have them, right, the requirement to have them is going to be most likely imposed by the Building Code Council, State Building Codes, but I understand it's quite the issue right now.

CHAIRPERSON JENKINS: All right. So thank you, Larry.

It looks like you just mentioned that Lorin Lathrop is not currently here. Are you standing in for his Part B of this area that remained CR-101?

LARRY VANCE: No, we're going to have my counterpart, Randy Barnes is going to be filling in this rulemaking. It's a tag team between Lauren Lathrop and

Randy Barnes.

CHAIRPERSON JENKINS: Well, thank you, very much. I appreciate your information.

LARRY VANCE: Okay. I'm going to hang out because you're going to call me right back up.

CHAIRPERSON JENKINS: Fair enough.

RANDY BARNES: Chairman Jenkins, Board Members, Boss, greatly appreciate the opportunity to address the Board. And I'll try to keep this as concise as possible, especially since we already scared Lauren off knowing we would be discussing another rule making.

The Department has filed a pre-proposal for an electrical fee increase. That was on October 31st. This was suggested in the previous board meeting or hinted at. This rule would effect all fees and would delete or eliminate any obsolete fees. We discussed that earlier as well.

The proposed increase is 6.3 percent. This is determined by OFM's physical growth something for 2025. The current levels are just not adequate proposed for the following years. The tentative effective date would be July 1st. The second filing would be in December, I believe, late December for the public hearing in late January. So as promised, concise.

I don't want to steal any of Wayne's thunder.

Any questions about the budget will come straight from the Secretary's report.

CHAIRPERSON JENKINS: All right. Well, I remember the last time I did this rule change we had them to a motion to having to go forward with what we decided today. So would there be a motion to continue forward with all of that stuff we talked about the changes asked for and a motion to accept.

UNKNOWN MEMBER: Motion.

UNKNOWN MEMBER: Second.

CHAIRPERSON JENKINS: Discussion?

Hearing none, all if favor say "aye."

(Collective.) Aye.

CHAIRPERSON JENKINS: Any opposed? Hearing none, the motion passes.

All right. So we are on to, thank you again, Loren {sic} for your time. I'll give it back to our Specialist, Larry Vance.

LARRY VANCE: And I believe that the agenda item is the exam report. I wanted to provide the Board with some information about building integrated photovoltaic systems in response to public comment that the Board received at their last meeting.

There was a person that addressed the Board that may not have had all of the information that he needed to

understand what building integrated meant. That it's a refined term in the Washington Administrative Code, that we've published information about it.

Also there was one document in there that was, I believe, prepared by Rod Mutch for the legislature for the legislative committee. Just for an understanding of a building integrated system is, building integrated is something, such as a roofing material, glass, something that is the platting of the building.

They now have siding that is capable of producing power. So will these become prevalent? I don't know. But we addressed it quite some time ago and I just wanted the Board to have accurate information. It may not have been presented by the person that addressed the Board previously.

CHAIRPERSON JENKINS: Thank you. I think that document that we got a PDF I think that was pretty black and white that this is what it is. I appreciate that, because I was getting a little confused we were going down the wrong rabbit hole and started reading electrical codes. And the supporting document. So thank you.

LARRY VANCE: Your welcome.

CHAIRPERSON JENKINS: Any questions concerning this piece?

BOARD MEMBER BURKE: Just a comment on that, if

I'm remember it incorrectly, but I remember listening to the gentleman at the board meeting. And I didn't take it as much as building integrated. More along the lines of what you're talking about across different inspection areas.

He had found that certain entities were requiring or telling him he needed to get an electrical permit to install things like stanchions, not necessarily building integrated PV, but even the supports.

I remember him specifically talking about the supports on the roof and how some of the jurisdictions were asking him to get a permit; some were not. And so I took it as him asking us as the Board and as the Department, to maybe take this to task a little bit on maybe sending it out to the other jurisdictions and letting them know that it would not be permit required because some are doing it and some were not.

So I just wanted to add that to the discussion, because I didn't think it was an integrated PV discussion as much as, kind of, different jurisdictions having different requirements for him, if you will. And he was just trying to let us know that there is a lot of confusion out there, and that if we could help in some way, it sounded like he would appreciate it.

BOARD MEMBER TUMELSON: And I'll just echo, and

kind of piggyback on that. That's exactly what I recall as well. And having done thousands of electrical reviews and aware of, you know, the other 27 jurisdictions that do electrical planing in their inspection and their land use regulations, it's a difficult one to overcome and gain consistency from local authorities. So it's real. This challenge is out there and gets a lot of people.

BOARD MEMBER BURKE: And it may be educating the jurisdictions more than educating the installers on this issue. That's all, just a comment.

CHAIRPERSON JENKINS: Any other comments from the Board concerning Item No. 5? Hearing none, it looks like we are onto No. 6, which is the certification/CEO and quarterly report.

LARRY VANCE: Thank you, Chairperson Jenkins.

Good news. The reports are functional. If you noticed, you finally did get a report. PSI's reports have been prepared and they're functional. So I can probably I have one up in front of me, but I did go, I didn't verify that the reports are consistent with previous reports. I did that to make sure that that of course they had really corrected the report. And it appears that they have. I have great confidence in the report. And the past rate is for 01 electricians, for instance, which is our most attempted exam is consistent with past rates just hovering

just under 50 percent. So that's what I have to report as far as the exam reports.

We did complete a transition also on exams from using candidates Social Security numbers. We now use something called an exam unique ID number. So if you have anybody in your, that you know of that's attempting the exam and you are a person that's recently attempted the exam, if you tell them when they register with the PSI to use their Social Security number, PSI will not recognize that Social Security number. They're looking for a number called an exam unique ID number.

And that's all done and we had a highly secured transfer method. We have to shake hands with PSI with the server data. And, in fact, we send them a list of candidates and what exams they are approved for. And they send us results.

We use the Social Security number as the indexing method. There was a bill that was passed and we had a deadline to meet and we met the deadline. But essentially it said no use of Social Security numbers outside of government agencies even though we had a highly secured file transfer method and never had a problem with it.

But it took some work, but it's wasn't just for electricians, it was for plumbers, elevator mechanics,

asbestos workers, factory, anybody that dealt with the exam.

So we still are required by state and federal law to have a Social Security numbers for everyone. That's a law that passed in the late '90s workforce enforcement, for child support enforcement. So everybody from the officer of the company down to the electricians, any owners, any principles of the company, we retain Social Security numbers for that reason. We don't use them for anything else, just that reason.

CHAIRPERSON JENKINS: Thank you.

LARRY VANCE: Yep.

CHAIRPERSON JENKINS: Any questions concerning this topic from the Board? Hearing none, I think, you're off the hot seat.

LARRY VANCE: Okie doke.

CHAIRPERSON JENKINS: Thank you very much. Appreciate your expertise on all of this stuff.

LARRY VANCE: Well, yeah. I learn how to -- I was explaining to somebody else, I hadn't used this mouse in three or four years. And as you all watched, it took me about five minutes to figure out that I had my computer and everything set up for a left-hand mouse. So I just needed a little bit more time to get ready, when I'm out of my normal box.

CHAIRPERSON JENKINS: Thank you, again.

LARRY VANCE: Yes, thank you very much.

CHAIRPERSON JENKINS: We are on Item No. 7. It looks like we're at the Secretary's report. So Wayne Molesworth.

SECRETARY MOLESWORTH: Thank you, Mr. Chairman.

Wayne Molesworth, chief electrical inspector. I will read the Secretary's report into the record.

The budget, the electrical fund balance on September 30th, 2023, was $15,016,130, which is about five times the average monthly operating expenditures. The average monthly operating expenditures for the first quarter of fiscal year FY24 were $3,072,924 compared to $2,431,929 for the same period last year. This is an increase of about 26 percent.

Average monthly revenue for the first quarter of FY2024 was $2,883,553 compared to 2,755,819 for the same period last year, an increase of about five percent.

September, 2023 customer service, 46,402 permits were sold last quarter. 98.2 percent or 45,561 were processed online, which is a decrease of .1 percent from last quarter. 99.6 percent of contractor permits are sold online, which is a decrease of .1 percent from the previous quarter.

Homeowners online sales from this quarter is

83.3 percent, which is a .5 percent increase from the previous quarter. Online inspection requests are 75.7 percent, which is a .5 percent increase from last quarter. During this quarter, customers made 92.1 percent of all electrical license renewals were online, which is a .8 percent increase from last quarter.

Key performance measures: Number one, percentage of inspections performed within 24 hours of request, keeping in mind the goal is 86 percent, last year at this time we had 75 percent of inspections were done within 24 hours. This year, 78 percent.

The percentage of inspections performed within 48 hours of request: 87 percent last year, 90 percent this year. Total inspections performed 70,553 this time last year. 69,146 this year.

Virtual electrical inspections performed, 10,711 last year. 8,702 this year. The number of focused citations and warnings, contractor licensing work certification, no permit, failing to supervise trainees anticipated, total number is 4136. Citations, last year the field did 265. ECOR and audit did 646 for a total of 911. This time -- or this year, it was the field was 895, ECOR had 1683, a total of 2578, compliance is up.

Inspection stops per inspector per day. Last year, we were averaging 12.1. This year 11.6. Serious

electrical corrections that would result in disconnection, last year was 9,845. This year 10,354. Turnaround time for average plan set review, the goal is less than 1.6 weeks. Last year at this time was three days, this period was two days is our average for plan review turnaround.

Plans pages reviewed all electronically, last year was 1193, this year 1052. Percentage of warnings by focused violation type, licensing was 1 percent, certification was 32 percent, permits was 56 percent, training/supervision, 11 percent, and all focused were 16 percent for the entire number of citations.

I want to add a little something to that. We have had some conversations about focused citations. Focused citations are the citations that are written to prevent the underground economy and those that give others an unfair advantage in the workplace. And so through those discussions, we expect that we're going to be focusing a lot more in that direction in the field as well.

Electrical licensing citations, amusement rides, and appeals. As I read through this, I want to let you know that there are some numbers in here that I'm proud of our staff for doing. We've been tasked with the new apprenticeship law coming into play with a large number of

affidavits coming into our office.

I know this doesn't set well with some, but we've had a staffing issue. We've had a pretty good turnover, so we're having to train new staff at the same time. And so these numbers reflect a good effort on their part for coming through. I want to give them a little shout out there.

As of 10/23/2023, there are a total of 574 items to be processed by licensing team. The oldest item is dated 9/12/23. 279 of these items are affidavits. We continue to see an increase in the number of affidavits being submitted most likely due to the 7/1/23 law change. Electrical trainees are submitting hours worked in the 01 general category to ensure they are recorded prior to this date.

The number of items to be processed by licensing staff decreased significantly in the past month, between September 28th and October 19th, the backlog decreased by nearly 50 percent due to a focused effort including some overtime hours to try to get caught up.

In addition to processing documents, licensing staff are responsible for answering all incoming electrical licensing phone calls. For the timeframe between 7/1/23 to 9/1/23, they answered a total of 6235 calls. This is an average of 2078 calls per month, 479

per week, and 131 per day, and 13 per hour. This does not include inbound calls coming into their direct lines or outbound calls made to customers.

There is currently one vacant position within the licensing team and the licensing supervisor position is vacant. Those positions cannot be recruited for at this time. The citations team is currently -- is current on mailing out citation letters to violators.

So that particular statement, current on mailing out citation letters, some of you may remember that we were fairly far behind because we had a complete turnover in our citations and appeal staff. And we have since hired new, very good people that have learned very fast. We're cross training all of those staff to do all of the jobs included in citations so this doesn't happen again. But they are 100 percent caught up. So pretty proud that they made that transition. And there was some overtime involved in that as well.

BOARD MEMBER BURKE: Just curious why the position of licensing supervisor, why can't those be recruited for at this time?

SECRETARY MOLESWORTH: So I'm going to talk about that a little bit when I get down to fund and budget. Can we wait with that?

BOARD MEMBER BURKE: Sure.

SECRETARY MOLESWORTH: Okay. Perfect. Testing lab report, no new testing labs.

And so for some other program updates, we have the licensing backlog, which I just talked about. And I can't tell you how hard those staff are working. As a matter of fact because of the stress, I think we just lost another staff member today. So we're down one more, hopefully we'll be able to recruit for that particular position.

The reason we're not able to recruit at this time is projections of our budget for the next biennium, from now until 2025, show -- and, keep in mind, this is from a two-month projection, because we've only been in this biennium two or three months now -- they were projecting that we would be overspent by $2 million.

So our Director has stopped any spending at this point until we get into December where we see if our budget package has been accepted into the Governor's budget in this short session. And then, at that time, we may be able to hire some of our vacant positions that we have.

We are fully staffed on electrical inspectors and leads. We're allowed to hire 126, we have 126. The pay increase that we got, the temporary pay increase we got last year made a big difference in that. And my

opinion is, it's made a difference in what they're forecasting, right? Because any time you add a big expenditure like that, there is usually peripheral things that are going to come about.

And so I'm not really too worried about that. I think that there's room in there and we've identified a few things that will make a difference. And I think by the time we're at the end of -- well, by next July, we'll see that the forecast is that we're not going to be overspent, so that's my anticipation.

The budget, like we talked about before is right up there. You know, it's sitting at about 15 million right now. And if you watch our fund, it's decreasing more rapidly than it has in the past because of the pay increase that we got. And so that's coming straight out of the fund.

What we got was an allotment to spend the money that we have in the fund, right? I don't know if everybody understood that. We don't get money when they approve those things. We have to have money to fund that spending. And so that's why it's started to come down a little bit. You know, our expenses now are around 3 million, where before they were down around the mid 2,000,000, 2.5, right in that area.

And so our monthly allotment that the Board

wants us to keep current is probably between 9 and 10 million right now in a 3-month, 3-month cushion, right. That's the reason for the 6.3 percent fee increase that we're asking for in the rule coming up. That would go into effect hopefully July 1. And the goal here is to do that type of an increase so that we can see is the fund going up rapidly; is it dropping; and then we can adjust on the next session and do more increase if we need to.

But we're not going to go backwards at this point because we've got some other things in line as far as making that a permanent increase and some other issues that may cost the Department a little bit of money.

So we'll see what the 6.3 does. The goal for me is to see it rise a little bit about the average line down a little bit it. It should never go one direction. So as you go through a budget cycle, you should see a fluctuation that jockeys up and down a little bit, and so that's the goal for that.

And so I think that wraps up what I was going to talk about. Does the Board have any questions for me?

BOARD MEMBER BURKE: Glad to hear that we have our inspector positions filled.

SECRETARY MOLESWORTH: Oh, yeah. And I want to elaborate on that just a little bit. Because, I think you guys, if we haven't, you need to know, VEI was created by

what we call extra capacity positions. They had the money in the fund to spend, but we didn't necessarily have the allotment, but we're allowed to do that in certain cases.

What we did was we looked at that and went "wait a minute," these are positions that are not permanently funded, so we took some vacancies that we had and we funded those extra capacity positions and made them whole, right. So virtually, we're zeroed out right now. And that's really where we want to be.

What has happened in the past a lot of times is they have actually balanced the budget on vacancies, and that's not a good way to go in my opinion. So we're at zero capacity; were asking for 10.5 in this cycle. We'll see what that does for us, but we're also looking hard and the regional administrators, and myself, and our leadership will be looking at positions differently now. Is that if we have a vacancy, we will be seeing if that vacancy needs to remain in that area or if there's other areas that have a higher need, right. Instead of just saying, you get 10, you get 12; do they need that, right?

And we have to look out a little ways too to see what's the history been; where are they going; and then adjust that way a little bit. So we're going to be keeping a little bit closer track on that I guess.

BOARD MEMBER BAKER: Wayne, you mentioned not

permanently funded positions that are temporarily funded. Are you a risk of a rollback in the next year or two certain challenge coming up for temporary positions?

SECRETARY MOLESWORTH: Yeah, not now. Not now that we've done what we've done, I think we're good.

The other thing we want to always try to avoid when we do these things is avoid over hiring when the future right now is a little uncertain, right. And so we struggle a little bit, worked a little over time, but the last thing I want to do is to have to layoff anybody. I don't know if that's what you meant by that, but ...

BOARD MEMBER BAKER: No, I was really concerned about a compensation package that exists today that you have to take a five percent hit in two years.

SECRETARY MOLESWORTH: Actually, I don't see that at all. We've got a class and comp package out right now with some other things involved in it too that I can't talk about because we have represented people in the room. But I don't see it going -- I don't see it going backwards. That would be -- that would not sit well and it might our reputation and risk behind that would be drastic.

Remember what happened in '08 and '09 when we had to lay off? We're still trying to rebuild our reputation from that. Because people think the government

is not a safe place to work after that.

CHAIRPERSON JENKINS: Any other questions for our Secretary Molesworth? All right. Thank you very much. I appreciate it.

SECRETARY MOLESWORTH: Thank you.

CHAIRPERSON JENKINS: Next item here is next meeting location. So as of right now, we are scheduled for Tumwater in January. So please the next when that we need to verify is going to be, they suggest Spokane is the one in April. Is everyone okay with that? All right.

So the next one we have here is the one in July of next year and some suggestions were given out for Moses Lake, Grand Coulee, Chelan, Bellevue or Everett or any other thoughts for July of next year?

BOARD MEMBER BURKE: Moses Lake is probably a good spot with all that's going on there right now.

CHAIRPERSON JENKINS: So tentatively, Moses Lake. It could change, but we'll put that down for July of next year. Okay. Given that, looks like we're ready for public comments. So we have Joshua Bero.

JOSHUA BERO: Thank you for the opportunity to bring public comment to you. I'm here because I believe in the mission of L&I, I want to support it in whatever way I can. I'm a an administrator and instructor at a technical college. And I am also very, very nervous

talking to all of you, because you all know so much more than I about this than I do.

So I wanted to address some questions that were brought up during the discussion of this 06A branch circuit issue and one of the questions that was asked, was what was to keep 06As from working on all sorts of branches circuits; won't this be sort of a runaway permission if this were to move forward.

Well, in Section 9 of what was proposed, there are limitations; it's got to be single phased; it can't exceed 250 volts; it can't exceed 20-amps. It must be called a mini-split. There's a six-foot raceway conduit limitation, and it has to be installed with the manufacturer's -- where the manufacturers are provided for the system that includes specifications for type insides wiring, so I believe that's at least a fair documented answer to that concern and question.

The other question that was brought up is what training doesn't an 06A have for branch circuits; PSI which is the testing agency for our certification does publish the requirements to get an 06A certification and they do mention specifically that NEC Chapter dealing with branch circuits, such as Article 220 and others, are part of the requirements for an 06A license.

So that seems to answer it at least to some

extent. There are obviously CEUs that the candidate must fulfill in their path towards going journey level and as you all well know, those CEUs are not specifically to just HVAC. They cover all sorts of areas of the NEC branch circuits included. And obviously there are 4000 hours of certified -- or of supervised work experience.

So I do believe that at least does address those training issues. Even if the testing is faulty, the testing is intended to reveal the appropriateness of the training should a candidate pass those.

My question is, if safety is an issue, how and why are these answers that I have given insufficient? And maybe you can supply, L&I or whoever, with some specifics about what kind of training? Should there be an apprenticeship for 06As similar to 01s? That's just a thought. Are there other specifics that maybe you can give to candidates for people that are looking to have this portion of the WAC revised that might help them to fill and satisfy your concerns regarding safety?

And one last thing that was brought up, and this may seem a little odd, but there was desire for a compelling reason. Just two weeks ago, I was in a meeting with representatives from Local 32 and Local 66, which are large unions that have a lot of 06As that they train. They believe that their candidates are trained in order to

do these sorts of branch circuits, this sort of branch circuit work.

And I do have another concern, just sort of anecdotally, I would be concerned, and I think it's a compelling reason that there is a lot of black market mini-split installations. And providing a path for getting permits and inspections and so forth, I do believe may not be a perfectly compelling reason, but there is something compelling to it.

So those are my comments. Again, thank you for your patience.

CHAIRPERSON JENKINS: Thank you very much.

Please spell your name for the reporter.

JOSHUA BERO: B, as in boy, e-r-o.

CHAIRPERSON JENKINS: Thank you very much.

Carolyn --

CAROLYN LOGUE: Don't even try. My name is Carolyn Logue. I am a lobbyist. I work with big bad lobbiest who works very closely with (unclear) lobbyists as well. And my last name is spelled L-o-g-u-e and it's pronounced Logue, like Vogue.

I'm here a behalf one of my clients, which is the Washington Air Conditioning Contractors Association. We did bring forward this proposal today that you've seen in the past to try and allow 06As to do these connections.

We do believe, and I think you heard from Josh before me, that these are very specifically written in here so we can be very specific. They are attached to installing the mini-split system.

We have not found any other state in the country that does not allow HVAC techs to do this. And I just want to remind you. The legislature created you, and the reason is is so you can oversee the whole electrical Department of Labor & Industries, that includes 06A electricians, they are electricians.

And frankly, I'll be really frank right now. I've heard a lot of comments today that sort of dis their capabilities, which has really made me sad for them, but they are a specialty contractor with the same requirements in terms of experience and class hours as an 02 residential specialty electricians. And I think that just needs to be stated.

These are people who take their job seriously. They've gone through a lot of training. They do continuing education. And they do care about their customers and have been doing it for years. Because we are seeing a need where we have HVAC contractors who are doing their work, this is growing part of what is considered HVAC installation.

They're doing their work, but the builders and

customers they work with are oftentimes having to wait for the 01, the 01 and the 02 installs the actual outdoor unit, which is great. But we're having to wait, with walls open after the refrigeration lines are done, in order for them to come back and do the work in the 01 and 02.

We appreciate that you found contractors who are higher than 01 and 02s, and that will not stop. But at the same time, this is an opportunity for a lot of people who are becoming 06As to have this type of work that they can do. The other thing is just to remind you that like with specialists in healthcare, 06As are trained specifically to do HVAC installations.

This is what they are going to be doing all of the time. So you actually have a situation where you've created that specialty contractor license to work specifically on these types of equipment, which then gives them more experience, which gives them the ability to have an upper hand when it comes to doing it safely, which is what is the most important thing.

I mean, right, to make sure that those systems are installed, that they are done as safely as possible.

So we argue that yes, the 06As do have that capability. And I appreciate all of your comments today, but we hope you understand that we did not bring this

forward to take work away from anyone. There is plenty of work out there. What the Building Code's Council is doing, as was stated before this morning, is the installation of these types of systems is growing and as we move to electrify older homes and doing the changeouts now from the old oil heating systems and nonelectric systems that are out there, this is growing work.

There is plenty of work for everybody. And we need to make sure that people who are out there, who are trained on it, which 06As are actually receiving training on the rest of the installation. The manufacture doesn't come into Washington State and say "Okay. We're just going to train you just on the refrigeration line." They train on the whole thing.

So it's just really important. The fine print in there, we think provides several sidebars -- I'm not even going to say sidebars, sidelines and guidelines to make sure that it's very clear what the 06As can do. Thank you.

CHAIRPERSON JENKINS: Thank you very much. And lastly, Mr. Larson?

AARON LARSON: Yes, sir.

CHAIRPERSON JENKINS: If you could spell your name please and the floor is yours.

AARON LARSON: My name is Aaron Larson,

A-a-r-o-n, L-a-r-s-o-n.

So I come to you to talk about the 06A licensing as well. I am a journeyman electrician from Idaho. I moved to Washington a few years ago. That is essentially the 01A license here. I have 8,000 hours of on-the-job training; four years of schooling, as well as passing journeyman electrical exam.

This is very specific around the ductless product. This is, as Carolyn has mentioned, a growing industry. And it continues to grow. I work currently for a wholesaler that sells the Mitsubishi product. Our sales have tripled in the last four years in ductless product. We are Mitsubishi's largest customer because of Washington and the electrification that Washington is moving towards.

This is not an item that is going to go away. Some of the challenges that we face in the field, Carolyn touched on it, in which our 01As and 02As, they don't have the training or the experience to work within this product. And it is very much so that we disassemble a product for installation and now this product is sitting disassembled waiting for essentially a worker who is not trained on this product to come make those connections. And then essentially the 06A comes in behind him and fixes those connections because he makes mistakes. Because he is not trained on it.

I am a certified trainer for Mitsubishi. I've gone through multiple training. I have been certified by training in front of their trainers to be able to present classes for Mitsubishi.

We very specifically take into heart the electrical wiring. It is very important part because it's not just power, it's also communication. And this is something that our 01 and 02 electricians do not understand. It's not just a wire. It is truly communication as well. It does power. It also does communication. So it is a very integral part of the system as it relates to 440.8. It is the overall system as it relates to the function of the equipment.

It's also fused and protected in the outdoor unit and so there isn't any opportunity for someone to have to design a branch circuit. Everything is specified in the installation manual. The size of the electrical wire; how far it can run; all of this is very specifically laid out in the manual because of that communication circuit.

And we have 01s who say "well, I don't like 14-gauge because I believe 12 is better." Well, when you're carrying the amperage, there is a case to be made for that. But when we're talking communications, 12 is actually worse. And it causes problems within our systems

and now we have to go back out and open up walls and cut sheet rock to replace a wire that somebody else decided would be better. And they stepped outside of the UL listed and tested guidelines for that system.

So these are the challenges that we face in our industry. And I would implore you as a group to think about how our industry is changing and how things are changing. And Carolyn put it very well, 06As are electricians. They go through the testing; they go through the training to be able to run branch circuits. They also go through more training with manufacturers to make sure that they can run and connect, make those connections appropriately.

So I would implore you to remember that our entire world is changing with car charges, with ductless, and to understand that we will have to change as an industry as well. Thank you for your time.

CHAIRPERSON JENKINS: Thank you very much.

All right. Any comments from the Board?

BOARD MEMBER BAKER: I was going to mention this before they got up to share, so it's not in response to their comments. But somebody shared when we were talking about the 06A, the requirement that we talked about training.

So I'm looking at Larry's report on the

examinations for last quarter. And the 06As on the first attempts had an 82 percent failure, second attempt a 76 percent failure, and it goes all the way up to the eighth attempt.

So I'm wondering if before we expand their scope, we need to look at are they receiving the right training; are they getting, are they getting what they need compared to serve in that market and that industry before we start expanding. I think the exam is one matrix we can look at and determine, you know, why that specialty. It's not all failing, but if there is something in there how many attempts.

CHAIRPERSON JENKINS: Any other comments from the Board before we adjourn? All right motion to adjourn.

BOARD MEMBER NORD: Is there a sign-in sheet?

CHAIRPERSON JENKINS: Make sure, before you walk out that door, please sign-in sheet.

BOARD MEMBER NORD: Motion.

BOARD MEMBER BURKE: Second.

CHAIRPERSON JENKINS: Any discussion? All in favor to adjourn the meeting?

(Collective.) Aye.

CHAIRPERSON JENKINS: Opposed?

Hearing none, the meeting is adjourned.

(DEPOSITION CONCLUDED AT 3:25 P.M.)

C E R T I F I C A T E

STATE OF WASHINGTON)
)
COUNTY OF SPOKANE)

This is to certify that I, Tamara Nassar, Certified Court Reporter in and for the State of Washington, residing in Spokane Valley, reported the within and foregoing proceeding; said proceeding being taken before me on the date herein set forth; that pursuant to RCW 5.28.010 the witness was first by me duly sworn; that said examination was taken by me in shorthand and thereafter under my supervision transcribed, and that same is a full, true, and correct record of the testimony of said witness, including all questions, answers, and objections, if any, of counsel.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I financially interested in the outcome of the cause.

IN WITNESS WHEREOF I have set my hand this 19th day of November, 2023.

Tamara Nassar

TAMARA NASSAR
CCR NO. 22006692, CVR NO. 8036

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