**STATE BOARD OF PLUMBING**

**BUSINESS MEETING MINUTES**

**Date:** October 17, 2024

**Time:**  10:30 a.m.

**Location:** 1100 N. Eutaw Street

 First Floor Conference Room

Baltimore, MD 21201

Held via Video Conference

meet.google.com/qks-niad-yfo

By Phone via Teleconference

1-414-909-7588 (PIN: 385820141)

**Members Present:** Joseph Radtka, Chairman

**Gregory Schott, Industry Member**

Leif Hancock, Industry Member

Hayward Hinkhaus, Industry Member

Craig Stokes, Industry Member

Robert Parker, Consumer Member

**Members Absent:** Keith Horton, Vice-Chairman, Industry Member

 Richard Bowers, Consumer Member

**Staff Present:** John Dove, Commissioner, Occupational and Professional Licensing

Sarah McDermott, Deputy Commissioner, Occupational and Professional

 Licensing

John Bull, Executive Director, Mechanical Licensing Unit

Christopher Maclarion, Director, Apprenticeship and Training, DWDAL

Matthew McKinney, Director of Government Affairs

 Sloane Fried Kinstler, Assistant Attorney General

LaKissha Thornton, Administrative Officer III

**OTHERS PRESENT:** Jesse Fields, Mid Atlantic Pipe Trades Association

 Jonathan Sargeant, Omega Plex

**CALL TO ORDER**

Chairman Radtka called the Business Meeting of the Maryland State Board of Plumbing to order, virtually, at 10:10 a.m.

**APPROVAL OF MINUTES**

The approval of the September 19, 2024, Meeting Minutes was deferred until the November meeting.

**PLUMBING COMPLAINT COMMITTEE**

Director Bull reported that the Complaint Committee would meet after the Board meeting and that the findings would be reported at the November meeting.

|  |  |  |  |
| --- | --- | --- | --- |
| **Closed Complaint** | **Under Investigation** | **Sent for A.G. Pre-Charge** | **Criminally Charged** |

**REVIEW OF EXAMINATION STATISTICS AND LICENSE TOTALS**

PSI Exams submitted the following statistical summaries for September 2024:

 **Candidates Passed Failed Pass %**

 **Tested**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Journey Natural Gas Fitter | 5 | 3 | 2 | 60% |
| Journey Plumber/Gas Fitter | 37 | 17 | 20 | 46% |
| Master Natural Gas Fitter | 2 | 0 | 2 | 0% |
| Master Plumber/Gas Fitter | 26 | 9 | 17 | 35% |
|  **TOTAL** | 70 | 29 | 41 | 41% |

Director Bull further reported that since January 2024, 599 candidates were tested, 235 candidates passed, 364 failed, for a pass rate of 39%. Since the inception of the test, 11,774 candidates were tested, 4,275 candidates passed, 7,499 failed, for a pass rate of 36%. There are currently 13,759 active licensees.

**CORRESPONDENCE**

The Board resumed a discussion of an email submitted by Mr. B. Alan at the September 2024 meeting. Mr. Alan wished to know if a person who is licensed as a Master Natural Gas Fitter could provide services on a gas-based unit and what crossover there was between plumbing and HVACR. The Board requested that Mr. Alan provide additional details as to the type of services that he is inquiring about in order to respond to his question. Mr. Alan responded to the Board asking whether a master gas fitter could provide any services, such as repair, installation, etc. on a gas-based HVACR system?

Chairman Radtka stated that he felt that both a Master Natural Gas Fitter and Master HVACR Contractor license would be required. Mr. Schott advised that a Master Natural Gas Fitter could install gas furnaces and gas boilers but could not service AC units. Counsel advised that there is a statutory exemption that allowed for some crossover or services but that she would need to research the statute to properly advise the Board. Director Bull advised that after he had received guidance from counsel regarding the statue, that he would prepare a response to Mr. Alan on behalf of the Board.

**OLD BUSINESS**

Climate Solutions Act of 2022:

Chairman Radtka advised that he intended to send the Board a response to the Climate Solutions Act drafted by the Secretary and requested that the item be left on the agenda under Old Business.

CSST:

Chairman Radtka advised the Board that he did not have any new information regarding CSST and asked Director Bull if he had received any updates. Director Bull indicated that he had not.

Code Adoption:

Chairman Radtka stated that a Code Adoption Review Committee had been formed at last month’s meeting in his absence. Director Bull confirmed that a Committee had been formed, consisting of Mr. Stokes and Mr. Hancock, with Mr. Schott as an advisor. Director Bull requested the Counsel advise the Committee as to what needed to be reviewed. Counsel asked whether the Board had determined whether modifications to any of the codes are necessary. Chairman Radtka stated that the Board intended to adopt all five codes as written with no modifications. Counsel Kinstler reminded the Board that she had sent them a draft of the amended regulation and suggested that the Board consider proposed action to adopt the language in the proposed regulation that was sent to them if appropriate, pending the Secretary;s approval.

Mr. Schott moved to adopt amendments to COMAR 09.20.01.01 to amend the Code references and repeal sections .02 through .07. The motion was seconded by Mr. Hinkhaus and unanimously approved by the a vote of the Board.

**NEW BUSINESS**

 Director Bull introduced Christopher Maclarion to the Board, stating that he had been invited to speak to the Board on behalf of the Maryland Apprenticeship and Training Council (“MATC”). Director Bull stated that he and Mr. Maclarion would like to discuss the possibility of issuing a journeyman plumber/gas fitter license based on completion of an approved MATC plumbing apprenticeship program.

Mr. Maclarion introduced himself to the Board stating that he was the Director of the Apprenticeship and Training for the Division of Workforce Development and Adult Learning (“DWDAL”) of the Department of Labor. He explained that the program was seeking to expand apprenticeship availability and membership. He stated that the goal is to grow the number of registered apprentices to 60,0000 by 2030 and expand high school enrollment by 45%. Mr. Maclarion continued stating that he would like to propose an opportunity for enrolled apprentices to be able to be granted a license based upon completion of the program. The program would require 8000 hours of on-the-job training, a backflow certification, 576 classroom hours, and passing an examination for completion. He stated that his office believed that the action would encourage employers to hire more apprentices in both the residential and commercial plumbing industries, would help to reduce the number of misclassified employees on job sites, and bring the plumbing Board in line with the HVACR and Electrical Boards. Chairman Radtka then opened the floor to questions from the Board members.

Mr. Hancock questioned whether individuals enrolled in the proposed program would be given copies of the current codes books as a part of their instruction, as he was not sure that was currently the case for those enrolled in plumbing apprenticeship programs. Mr. Maclarion replied that, if the Board required that code books be given to enrolled apprentices, that could be accomplished. Mr. Schott stated that he was aware that the Board of HVACR Contractors allowed for a journeyman license to be granted upon completion of an approved program, but questioned how it was determined whether a full or restricted license would be granted. Counsel stated that the HVACR Board has had a statutory path to licensure without a subsequent license exam for individual who have completed an approved apprenticeship program and apply for a license within two years for more than 10 years, and that individuals could choose to be on track to obtain either a full or restricted licensed based upon the apprenticeship program they selected. Counsel also advised that the HVACR Board was able to work with MATC to ensure that exam required to complete a MATC HVACR program was substantially similar to the State license exams, and that a person must apply for a journeyman license within two years of completion of the program to be able to obtain the license and that the Plumbing Board could pursue a similar regulation.

Mr. Maclarion added that anyone enrolled in an apprenticeship program would be required to hold a State issued Apprentice Plumber/Gas Fitter license for the duration of the program. Chairman Radtka commented that unions require that a person to hold a license to be enrolled with them, and that many of the unions did not support granting a license without passing the state exam, and that the purpose of the exam was to ensure a minimum competency standard was met to obtain a higher level of licensure. Mr. Stokes expressed that he agreed that the state exam was designed to ensure that a license candidate demonstrate a minimum level of competency. Mr. Maclarion stated that MATC measured the totality of any approved apprenticeship program every two years to ensure the integrity of the program, which allowed them to issue a license upon completion of the program.

Mr. Stokes expressed that he felt if the apprenticeship programs were providing a higher standard of education, that anyone who completed the program should be able to pass the state exam. Chairman Radtka agreed with Mr. Stokes, and expressed he and other members of the industry felt there was a certain pride and feeling of achievement that came with having passed the state exam. He also expressed that while the exam’s pass rate was not high, that it was in line with the national average. Mr. Schott questioned whether Mr. Maclarion had contacted the Baltimore County Plumbing Board and WSSC to seek their opinion on the matter. Chairman Radtka stated that he was aware that the Baltimore County Plumbing Board was considering no longer administering an exam to obtain an journeyman or master license, and only allowing for a license to be granted based on reciprocity from the State of Maryland. He expressed concerns of losing the reciprocal license agreements with Baltimore County and WSSC if the Board choose to move in this direction. Director Bull stated that the Board could work with the apprenticeship programs to develop an exam that was substantially equivalent to that of state exam to preserve the reciprocal license agreements. Director Bull stated that an issue with on-the-job training is that it could vary based on who provided that traini.g and that a State approved apprenticeship program would help to standardize it and ensure quality on-the-job training. Mr. Stokes commented that he felt that State exam should be the standard, especially if there were concerns about the training that would be provided by different programs. Mr. Hinkhaus and Chairman Radtka concurred.

Chairman Radtka also stated that none of the surrounding states allowed for a journeyman license to be obtained by having completed an apprenticeship program without a separate license examination and felt that this provision would jeopardize existing and future reciprocity agreements with surrounding states. Director confirmed that the HVACR reciprocity agreement with Virginia was not compromised by the exam waiver for completion of a MATC apprenticeship to obtain a journeyman license. Chairman Radtka expressed concern that an exam waiver would be accepted for Plumber/Gas Fitter licensing. He asked whether the agency had had spoken to the members of the industry because he believed trade unions, trade associations, and local jurisdictions were in favor of a State license exam. Mr. Schott stated that he would like to discuss the matter with the Harford County Plumbing and HVACR Boards to get their input on the matter; he felt that the discussion should be continued after more information had been obtained. Chairman Radtka stated he would like to continue the discussion after everyone had an opportunity to speak to the local jurisdictions and other concerned parties.

Mr. Maclarion stated that he appreciated the Board’s feedback, and that he would reach out to the local jurisdictions, employers in the industry, and the local unions before returning following up with the Board. Assistant Commissioner McDermott requested that Mr. Maclarion prepare a summary for the Board members to present to any interested parties explaining MATC’s proposal. Mr. Maclarion stated that he would do so and thanked the Board for its time. Director Bull recommended that the item be placed on a future agenda for discussion.

**EXECUTIVE DIRECTOR’S REPORT**

Director Bull informed Mr. Hancock, Mr. Schott, and Chairman Radtka that their terms on the Board were ending and that they would need to apply for reappointment. He requested that the members let him know when the applications had been submitted so he could set the appointments for the next legislative session. Mr. Hancock informed Director Bull that he had already been sworn in for his next term on the Board. Mr. McKinney requested the Mr. Hancock provide him with the details of his confirmation so he could update the Board’s records. Chairman Radtka requested that Director Bull and Mr. McKinney provide him with instructions on how to proceed with the reappointment process. Mr. Schott stated that he would reapply for appointment to the Board.

Director Bull notified the Board that PSI had changed to an online application process to register to take the State exams. He also stated that he did not have an update on the implementation of a Spanish language version of the exam at this time.

Director Bull also informed the Board that he would not be attending any future Board meetings as his last day in the office would be November 4, 2024, with his official retirement date is December 1, 2024. Chairman Radtka thanked Director Bull for his service to the Board and congratulated him on his retirement on behalf of the Board.

**COUNSEL’S REPORT**

Counsel did not offer a report but did follow-up regarding the correspondence submitted to the Board. She stated that under Md. Ann. Code, Bus. Reg. §9A-103(7), an individual possessing a Master Plumber/Gas Fitter license is exempt from the HVACR license requirement while providing heating, ventilation, or refrigeration services on hydronic heating systems, and, that Md. Ann. Code, Bus. Occ. & Prof. §12-301 set forth exceptions to the plumbing license requirement, which excepted, in subsection (i), an HVACR licensee while serving an existing propane gas or existing natural gas appliance if the individual has completed a manufacturer’s training course certifying competent to work on the particular appliance. Counsel advised that there was no provision that that would exempt a gas fitter. Counsel requested that staff utilize this language to reply to Mr. Alan’s correspondence.

**CHAIR’S REPORT**

Chairman Radtka again thanked Director Bull for his service to the Board and wished him well in his future endeavors.

**CLOSED SESSION**

The Board did not convene in a Closed Session.

**ADJOURNMENT**

Upon Mr. Hancock’s Motion, and Mr. Parker’s second, and the Board unanimously voted to adjourn the meeting at 11:47 a.m.

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**Todd Blackistone Date**

**Interim Executive Director**

**Signed on behalf of the Board as voted and approved on: \_\_\_\_\_\_\_\_**