

WSR 24-15-121
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed July 23, 2024, 9:11 a.m.]

Title of Rule and Other Identifying Information: Plumber certification rules; WAC 296-400A-120 What do I need to know about plumber trainee certificates?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This expedited rule making proposes amendments to plumber trainee requirements under WAC 296-400A-120. The proposed changes would affect application for a certificate, supervision ratios, and reporting of plumbing hours for plumber trainees. The amendments are needed for uniformity with the requirements in SHB 1889 (chapter 50, Laws of 2024) and ESB 5997 (chapter 97, Laws of 2024).

Amending WAC 296-400A-120 What do I need to know about plumber trainee certificates?

- Permits plumber trainee applicants the option of providing an individual taxpayer identification number (ITIN) in lieu of a Social Security number (SSN) when applying for a plumber trainee certificate for uniformity with SHB 1889.
- Updates language for uniformity with ESB 5997. This includes:
 - o Amending the expiration date for the required supervision ratios for plumber trainees to certified plumbers from December 31, 2025, to December 31, 2028; and
 - o Removing the requirements that failure of a trainee to report plumbing hours worked for each employer is a violation of chapter 18.106 RCW, subject to an infraction under RCW 18.106.320, and must result in nonrenewal of a plumbing trainee certificate.
- Includes amendments to existing language for clarity.

Reasons Supporting Proposal: Rule amendments are required for uniformity with SHB 1889 and ESB 5997. SHB 1889 includes a provision that permits applicants the ability to provide an ITIN in lieu of an SSN when completing an application for a professional license, commercial license, certificate, permit, or registration under Title 18 RCW. The bill took effect July 1, 2024. ESB 5997 includes a provision that amends the expiration date of the required supervision ratios for plumber trainees to certified plumbers under RCW 18.106.070. The provision maintains the supervision ratio of three plumber trainees to one certified plumber on residential construction jobsites until December 31, 2028. A provision of the bill also removes the requirements that failure of a trainee to report plumbing hours worked for each employer is a violation of chapter 18.106 RCW, subject to an infraction under RCW 18.106.320, and must result in nonrenewal of the plumbing trainee certificate under RCW 18.106.070. The bill took effect June 6, 2024.

Statutory Authority for Adoption: Chapter 18.106 RCW.

Statute Being Implemented: SHB 1889, chapter 50, Laws of 2024; ESB 5997, chapter 97, Laws of 2024; and chapter 18.106 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Melissa McBride, Program Manager, Tumwater, Washington, 360-902-5571; Implementation and Enforcement: Steve Reinmuth, Assistant Director, Tumwater, Washington, 360-902-6348.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule-making process is necessary due to amendments to Washington state statutes, effective June 6, 2024, and July 1, 2024.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Meagan Edwards, Management Analyst, Department of Labor and Industries, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-522-0125, fax 360-704-1980, email Meagan.Edwards@Lni.wa.gov, BEGINNING 8 a.m. on July 24, 2024, AND RECEIVED BY 5 p.m. on September 23, 2024.

July 23, 2024
Joel Sacks
Director

OTS-5481.4

AMENDATORY SECTION (Amending WSR 21-13-041, filed 6/10/21, effective 7/1/21)

WAC 296-400A-120 What do I need to know about plumber trainee certificates? General.

(1) **Journey level and specialty plumber original trainee certificates:**

The department will issue an original trainee certificate when the trainee applicant submits a complete trainee certificate application including:

(a) Date of birth, mailing address, Social Security number or individual tax identification number; and

(b) All appropriate fees as listed in WAC 296-400A-045.

(c) If an individual has previously held a plumbing trainee certificate, then that individual is not eligible for a subsequent original trainee certificate.

(d) All applicants for a plumbing trainee certificate must be at least (~~sixteen~~) 16 years of age and must follow requirements as defined in WAC 296-125-030.

(2) Renewal.

(a) The department issues separate trainee certificates once a year.

(b) The plumbing trainee may not apply for renewal more than ~~((ninety))~~ 90 days prior to the expiration date. Plumber trainee certificates are valid for one year.

(c) All applicants for trainee certificate of renewal must:

(i) Submit a complete renewal application;

(ii) Pay all appropriate fees; and

(iii) Completed the continuing education requirements described in chapter 296-400A WAC. Backflow trainees are exempt from continuing education requirements.

(d) If an individual files inaccurate or false evidence of continuing education information when renewing a plumbing trainee certificate, the individual's certificate may be suspended or revoked.

(e) An individual who has not completed the required hours of continuing education can renew a trainee certificate; however, the training certificate will be placed in an inactive status. The inactive training certificate will be returned to active status upon validation by the department of the required continuing education.

(f) If continuing education hours have not been met, trainee certificates will become expired/inactive and any plumbing work experience obtained by the trainee in expired/inactive status will not be credited.

(g) An individual may not renew a revoked trainee certificate.

(h) Apprentices registered in an approved program according to chapter 49.04 RCW who are obtaining classroom training consistent with the continuing education requirements under chapter 18.106 RCW and this chapter, as approved by the department, are deemed to have met the continuing education requirements necessary to renew a trainee certificate. Included under this exemption are active trainees that are not in the formal approved program according to chapter 49.04 RCW but are attending all hours of required classroom training along with the apprentices and meeting the work experience as required under chapter 18.106 RCW and this chapter. The plumber craft training school will be required to supply the department the necessary documentation to prove there was full hourly attendance of these trainees as is required of the apprentices while they attend the classroom training.

(i) The trainee will not be issued a renewal or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment.

(3) Ratio/supervision.

(a) Commercial/residential.

(i) A certified residential specialty plumber, residential service plumber, or domestic pump specialty plumber working on a commercial job site may work as a journey level trainee only if they have a current trainee certificate on their person while performing commercial plumbing work.

(ii) On a job site, the ratio of certified plumbers to plumber trainees must be:

(A) Until December 31, ~~((2025))~~ 2028:

(I) No more than three trainees working on any one residential structure job site for every certified specialty plumber or journey level plumber working as a specialty plumber;

(II) No more than one trainee working on any one job site for every certified journey level plumber working as a journey level plumber; and

(III) No more than one trainee working on any one job site for every certified residential service.

(B) After December 31, ~~((2025))~~ 2028, no more than two trainees may work on any residential structure job site for every certified specialty plumber or journey level plumber working as a specialty plumber.

(iii) Supervision must be a minimum of ~~((seventy-five))~~ 75 percent of the time spent on each and every job site.

(b) Domestic pump.

One appropriate domestic pump specialty plumber or one journey level plumber working on a domestic pump system may supervise no more than three trainees, after December 31, ~~((2025))~~ 2028, no more than two trainees can be supervised. Supervision must be a minimum of ~~((seventy-five))~~ 75 percent of the time spent on each and every job site.

(c) Medical gas.

A plumber trainee or specialty plumber who has a current trainee certificate with the state of Washington and has successfully completed or is enrolled in an approved medical gas piping installer training course may work on medical gas piping systems. Work may only occur when there is direct supervision by an active Washington state certified journey level plumber with an active medical gas piping installer endorsement issued by the department. Supervision must be ~~((one-hundred))~~ 100 percent of the time spent on each and every job site on a one-to-one ratio.

(d) Backflow.

A backflow specialty plumber, a journey level plumber on a commercial job site, or a residential specialty plumber on a residential job site must supervise one backflow trainee to perform maintenance and repair work on every backflow assembly on potable water systems inside every commercial or residential building. The ratio must be one to one for ~~((one-hundred))~~ 100 percent of the time on each and every job site.

(4) Affidavits of experience.

(a) At the time of renewal, the holder must provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous annual period. The individual must submit a completed, signed, and notarized affidavit(s) of experience. The affidavit of experience must accurately attest to:

(i) The plumbing installation work performed for each employer the individual worked for in the plumbing trade during the previous period;

(ii) The correct plumbing category the individual worked in; and

(iii) The actual number of hours worked in each category, worked under the proper supervision of a Washington certified journey level plumber, certified domestic pump specialty plumber, or residential specialty plumber.

(b) The trainee should ask each employer and/or apprenticeship-training director for an accurately completed, signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within ~~((twenty))~~ 20 days of the request.

(c) Plumbing hours for the previous year~~((s))~~ are to be submitted within ~~((thirty))~~ 30 days after the renewal date of the plumbing training certificate~~((; failure to submit within thirty days is a violation of chapter 18.106 RCW. The))~~. Failure to submit within 30 days

~~may result in the individual ((may)) not ((receive)) receiving credit for ((these previous plumbing)) those hours ((and will result in non-renewal of the trainee certificate and subject to an infraction under RCW 18.106.320)). See RCW 18.106.070(2).~~

(d) Trainee hours will not be credited if the trainee owes outstanding penalties for violations of this chapter.

(e) Trainee hours will not be credited during periods of time when the trainee card is expired or inactive.