

ATTENTION PLUMBERS

July 25, 2005

TO: ALL TEXAS-LICENSED PLUMBERS AND REGISTERED APPRENTICES WORKING IN LUBBOCK

FROM: Steve O'Neal, CBO, Chief Building Official, City of Lubbock

Subject: **ENFORCEMENT OF PLUMBING LICENSE LAW**

As you know, the Texas Plumbing License Law requires all individuals working on plumbing systems to be directly supervised by a licensed plumber. The subject of "Direct Supervision" has been the source of much confusion and debate over the years, and has historically been liberally construed in favor of the plumber in a manner very similar to that of our (previously) locally-licensed electricians. If the supervising licensee was reasonably nearby, the apprentice was allowed to work. This approach has been, and is, incorrect. The Texas State Board of Plumbing Examiners has clarified "direct supervision" to mean "on-the-job- direct *visual supervision*". In other words, a licensed plumber must, at all times, be aware of and supervising each step of the plumbing installation process. In a residential context, this would require a licensed plumber in each house; not an apprentice in one house and his licensed plumber next door.

The plumbing community has indicated that there is a shortage of licensed plumbers in Lubbock, and that current work volume will not allow each job to be manned as required. Though the logical argument here is that work should not be undertaken if a company is under-staffed, it appears to be true nevertheless. State records show that there are 236 registered apprentices and 357 licensed plumbers (Tradesman-Limited, Journeyman and Master combined) in Lubbock. Of these, only 16 carry the Tradesman-limited license. Clearly, there is a need for plumbing companies to invest in their qualified apprentices so that they may become licensed at the Tradesman or Journeyman level.

In advance of stepped-up enforcement of these provisions, the City of Lubbock had asked the State to consider administering the written portion of the Tradesman and Journeyman exams in Lubbock to facilitate easy participation by local plumbing companies. We have recently learned that this cannot be done; however, the State has indicated it would be willing to set aside certain dates for administering the exams to large groups from Lubbock so that travel and lodging costs might be shared.

The City will begin diligent enforcement of the Texas Plumbing License Law, in all respects, equally, and without reservation, on September 1, 2005. You are encouraged to become thoroughly familiar with the law and board rules, and to employ sufficient licensed plumbers to accommodate your projects by that time. For those needing to schedule a state exam, an application and instructions are included here. Please make copies for your co-workers as necessary, and schedule them for the examination at the earliest possible date. Additional exam information can be obtained from the TSBPE website at <http://www.tsbpe.state.tx.us/index.html>, or by calling the agency at (800) 845-6584 (Extension 65250).

OUTLINE FOR PHCC PRESENTATION

- 1) **Texas Plumbing License Law has historically not been correctly enforced; primary area of concern involves the “direct supervision” of apprentices by licensed plumbers**
 - a. Historically treated in the same manner as our locally licensed electricians
 - b. If a licensed individual was “reasonably nearby”, the apprentice was allowed to work
 - c. There have been various interpretations of what was “reasonable” in this regard
 - d. This is no longer acceptable
- 2) **Recent issues have given rise to concern on the part of the Board of Plumbing Examiners; it has become apparent that we must enforce the law as intended**
 - a. Apprentices must be under direct visual supervision of a licensed plumber while performing work
 - b. The licensed plumber may not be “next door”, “down the street” or momentarily at the parts house or the restroom; if so, the apprentice must cease plumbing work until the licensee returns
- 3) **The Plumbing Community argues that there is a shortage of licensed plumbers to facilitate this degree of supervision with current work volume; construction jobs will be delayed if enforced**
 - a. There is an imbalance between the number of registered apprentices (236) and the number of licensed plumbers (357)
 - b. Qualified apprentices need to take the Tradesman-Limited or Journeyman exams
- 4) **The City of Lubbock had requested that the State sponsor a special exam in Lubbock, if not a permanent exam site similar to Harlingen and El Paso**
 - a. TSBPE recently indicated that this was NOT a possibility
 - b. TSBPE is willing to accommodate large groups of examinees in Austin, so that travel costs can be shared
- 5) **Need to register for the examinations ASAP- Stepped-up local enforcement will begin Sept. 1, 2005 (Earlier, if TSBPE compels us)**
 - a. Tradesman-limited exam applications and employer certification forms are in the packet
 - b. Please take one per company and make copies
 - c. Processing time is approximately 2-3 weeks
 - d. Packets are being distributed in our offices, in the field (by inspectors), and at plumbing supply houses
- 6) **PHCC assistance is requested to:**
 - a. Help get the word out to local plumbers regarding September 1 enforcement
 - b. Coordinate group examination dates with TSBPE in Austin
 - c. Lobby the TSBPE concerning administration of the written portion of the exam in the South Plains/Panhandle region on a permanent basis
- 7) **Thank You**