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February 26, 2019

CONTRACTOR LICENSE BOARD, Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs, State of Hawaii

Testimony To: John Polischek, Jr., Chairperson
Tyrus Kagawa, Vice Chairperson

Presented By: Dean M. Nagatoshi, Executive Director

Subject: C-33 PAINTING AND DECORATING CONTRACTOR &
C-33c SURFACE TREATMENT CONTRACTOR

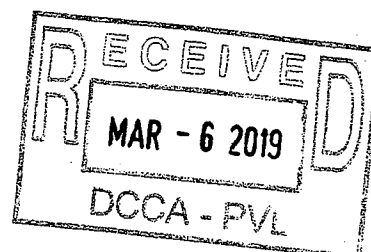
Chairperson Polischek, Vice Chairperson Kagawa and Members of the Board:

My name is Dean M. Nagatoshi, Executive Director of the Painting and Decorating Contractor Association of Hawaii (PDCA of Hawaii). I am also the holder of the following inactive licenses: (C-33 Painting and Decorating, C-42 Roofing & C-55 Waterproofing).

The additional language that is being proposal under the above subject licenses is as follows: **"provided that this shall not include spall repair."**

C-33 & C-33c Contractors currently perform non-structural spall repairs as part of the surface preparation of concrete surfaces that are being repainted. On concrete high-rise buildings, mobilization to access surfaces requiring surface preparation which includes non-structural spall repairs and repainting is commonly done by suspended (hanging) scaffolding. The cost to the public would increase adversely if non-structural spall repairs and other painting surface preparation could not be done in the same phase and by the C-33 or C-33c contractor. The requirement of another licensed contractor to perform an incidental, decorative and non-structural spall repair would disrupt the normal sequence of repainting work and add unwarranted cost to the project. Therefore, we respectfully propose the following edited additional language: **"provided that this shall not include structural spall repair."**

Thank you for your time and attention and for allowing me the opportunity to testify.





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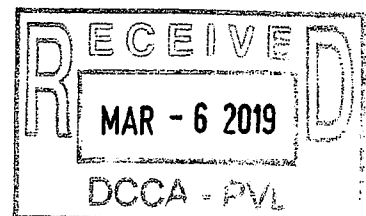
Subject: C-55 WATERPROOFING CONTRACTOR

Chairperson Polischek, Vice Chairperson Kagawa and Members of the Board:

My name is Dean M. Nagatoshi, Executive Director of the Painting and Decorating Contractor Association of Hawaii (PDCA of Hawaii). I am also the holder of the following inactive licenses: (C-33 Painting and Decorating, C-42 Roofing & C-55 Waterproofing).

The additional language in bold and underlined that is being proposal under the above subject license is as follows: "**provided that the work shall** not include the work of the C-42 roofing contractor."

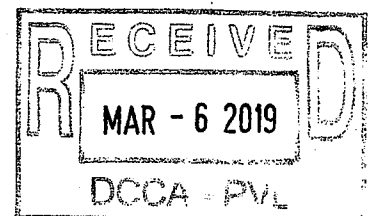
C-55 Waterproofing Contractors currently perform work similar to what is currently described and being proposed under the C-42 Roofing Contractor license. In the C-42 there has been new language added to apply **stain, water repellant materials**. These materials have been applied by C-55 Waterproofing Contractors on vertical building surfaces from suspended (hanging) scaffolding and is not traditionally done by C-42 Roofing Contractors. Both Stain and Water Repellant materials have been applied for many years by C-55 Waterproofing Contractors on vertical building concrete surfaces such as the Kaiser Honolulu Clinic (Stain) and the Halawa Medium Security Prison (Water Repellant).



There are also lanai floors on condo high-rise buildings that C-55 Waterproofing Contractors have traditionally applied Deck Coatings on. The cost to the public would increase dramatically if the lanai deck coating on a high-rise condo building could only be applied by a C-42 Roofing Contractor and not the C-55 Waterproofing Contractor that is also applying a waterproof coating system to the vertical walls of the building. The public would now need to absorb the added costs of the suspended (hanging) scaffolding and additional mobilization. There are also parking deck and pedestrian deck coating systems that both the C-42 & C-55 Contractors have applied for many years and that the manufacturers have certified as approved applicators of their products. These C-55 Waterproofing Contractors will no longer be able apply these products due to the proposed language resulting in a reduction of competing contractor and reduced benefit to the public.

Please also consider that there are many projects that are in progress, pending start or are in the bidding phase that will be negatively affected due to the proposed C-55 Waterproofing Contractor language change that will prevent the C-55 Waterproofing Contractor from performing the work that they have traditionally performed in the past. Therefore, we respectfully **oppose** the following language in its entirety: "provided that the work shall not include the work of the C-42 roofing contractor."

Thank you for your time and attention and for allowing me the opportunity to testify.



IRON WORKERS STABILIZATION FUND

March 14, 2019

John Polischeck, Jr., Chair and
Member of the Board
Contractors License Board
State of Hawaii
335 Merchant Street
Honolulu, HI 96813

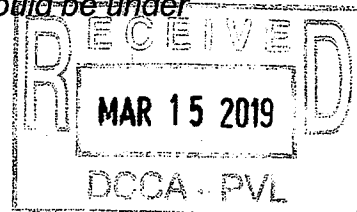
Re: Review of "A", "B" and "C" Licenses

Dear Chair Polischeck and Members of the Board:

Pursuant to the Contractors License Board (CLB) request seeking input from stakeholders and the general public concerning a review of the Proposed Amendments to Hawaii Administrative Rules Chapter 16-77 we offer the following suggestions.

Specialty License ("C" License)

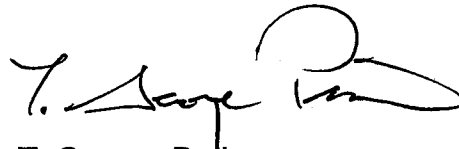
1. C-6 Carpentry Framing Contractor. We suggest that it should state, "To do wood trusses, ...". *Any other statement would start to infringe on C-48.*
2. C-39 Pre-stressed concrete reservoirs contractor. We suggest that this be moved under the C-38. Since this C license is dealing with pre-stress, post tension work. As this classification will infringe on the C-38 Post Tension Contractor. *Most companies do not want to deal with the liability nor bonding of post-tensioning, as such it is hazardous work.*
3. C-42 Roofing Contractor. We suggest the following: To also install roof flashing, penetrations, standoffs, underlay, wood joists purlins, sleeper, and nailer strips. *Any other structural purlins (i.e. steel) should be under the C-48.*



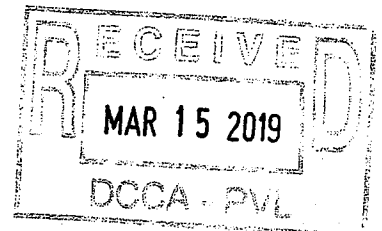
4. C-48 Structural Steel Contractor. We suggest the following:
- a. ...used as structural members for buildings and structures and miscellaneous metal items including riveting, bolting, welding, and rigging in connection therewith.
 - b. ...sliding and roll-up steel doors, grilles, and bars over windows, dome cover, communication tower, pre-engineered hybrid panelized roof structures, and fall protection systems. (we just want to reaffirm all the subcategories under C-48 is included)
5. Additionally we suggest the following language to be added to the C-38, C41, & C-48 license: "No incidental or supplemental work should be done under this license. These license falls under the **Structure Engineers Stamp** purview. It is the Structural Engineers duty to protect the public and that if any incidental or supplemental work is done there will be major safety concerns due to issues of the structural integrity of the building or structure."

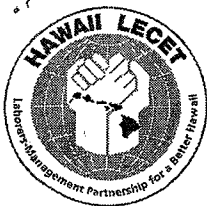
Thank you for allowing us the time to submit our language for the rule change. If you have any questions, please contact Mr. Arnold Wong.

Sincerely,



T. George Paris
Managing Director





HAWAII LABORERS-EMPLOYERS COOPERATION AND EDUCATION TRUST

650 Iwilei Road, Suite 285 · Honolulu, HI 96817 · Phone: 808-845-3238 · Fax: 808-845-8300 · URL: hilecet.org

April 3, 2019

TO: Contractors License Board
Department of Commerce and Consumer Affairs

RE: Proposed Amendments to Hawaii Administrative Rules Chapter 16-77
Specialty Contractor Classifications Rules Package

We are submitting this testimony for consideration regarding the proposed amendments to the contractor license rules. One comment on the process – without a brief rationale for the proposed changes, we are left to guess at the reason for the proposal.

1. C-43 Sewer, sewage disposal, drain, and pipe laying contractor

RECOMMENDATION: Keep the word “sewers” in the description in the first sentence.

It is not clear why the word “sewers” is deleted in the first sentence: “To construct [concrete and masonry sewers,] packaged sewer disposal plants[,]” This may be an inadvertent deletion, but as this is the Sewer contractor license, constructing sewers should be a basic part of the scope description.

2. C-43 Sewer, sewage disposal, drain, and pipe laying contractor

C-45 Sewer and lift station contractor

RECOMMENDATION: Clarify the difference between these two licenses or keep only C-43 and add a subclass.

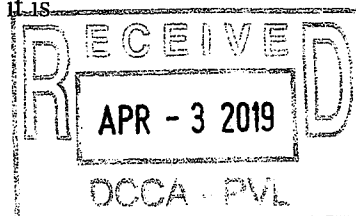
These two scope descriptions appear to almost totally overlap and it is not clear what the purpose is for having two distinct licenses. Given the degree of overlap, once a distinction between the two licenses is clarified, would it make more sense to establish a new C-43b instead of a separate C-45? If a new C-45 is adopted, would current C-43 contractors who have been performing work that becomes covered solely under the C-45 license be grandfathered with the new C-45?

3. C-43 Sewer, sewage disposal, drain, and pipe laying contractor

C-45 Sewer and lift station contractor

RECOMMENDATION: Remove the last proposed amendment regarding process piping at the end of each description.

In both of these license descriptions, the draft proposes that last line in each description include the following addition: “... provided that this shall not include the installation of process piping.” Adding this would exclude installation of all process piping regardless of the specifics in the project plans. Process piping by definition is not considered plumbing work: it is



regulated by engineering standards, not the plumbing code, and the work is not inspected by a plumbing inspector. In addition, process piping could be either inside or outside a building.

This proposal is not consistent with the Board's previous decision in August 2015 in response to questions from Nan, Inc regarding the Kailua Wastewater Treatment Plant. In that case, the Board recommended that the C-43 and A licenses were acceptable to perform the mechanical process piping and pipefitting work for both the sewage lift station and the underground piping to and from the headworks facility, based on the specifics in the plans. The Board should maintain this approach based on the specifics of the project instead of adding a blanket exclusion for all process piping and removing work from contractors who have been performing such work.

4. **C48e Communication tower contractor**

RECOMMENDATION: Remove "...excavation, surface preparation, grading, tower foundation..." from the license.

This work should be performed by the appropriately licensed contractors since they are not "related" work, but fundamentally different from constructing the steel tower itself.

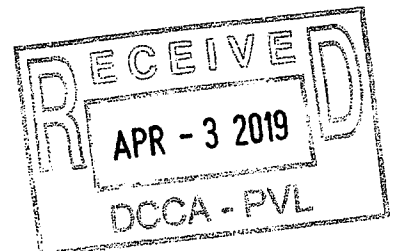
5. **C-33 Painting and decorating contractor**

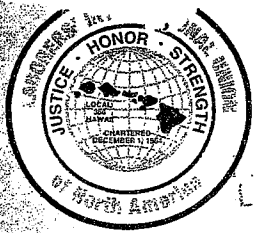
C-33c Surface treatment contractor

COMMENT: We are in strong support for the proposed addition of the phrase, "...provided that this shall not include spall repair" as this is consistent with the Board's opinion in a number of previous cases.

We appreciate your consideration of our testimony.

Mark Matsumoto
Research and Business Development





LiUNA!

2019 APR 11 P 1:47

COMMENTS AND RECOMMENDATIONS HAWAII LABORERS' UNION (LiUNA); LOCAL 368

PETER A. GANABAN
*Business Manager/
Secretary-Treasurer*

CONTRACTORS LICENSE BOARD
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
April 12, 2019

ALFONSO OLIVER
President

JOBY NORTH II
Vice President

RE: Proposed Amendments to Hawaii Administrative Rules Section 16-77

TONI FIGUEROA
Recording Secretary

Aloha Board Members,

JAMES DRUMGOLD JR.
Executive Board

The Hawaii Laborers' Union (LiUNA); Local 368 respectfully submits the following Comments/Questions regarding the proposed changes to HAR 16-77 for the Board's consideration.

ORLANDO PAESTE
Executive Board

JOSEPH YAW
Executive Board

C-33 Painting and decorating contractor and C-33c Surface treatment contractor:
"...provided that this shall not include spall repair"

MARTIN ARANAYDO
Auditor

COMMENT: The Hawaii Laborers' Union strongly supports the addition of this language as it is consistent with the Board's prior determinations.

RUSSELL NAPIHA'A
Auditor

MARK TRAVALINO
Auditor

C-43 Sewer, sewage disposal, drain, and pipe laying contractor (Current Proposed Amendment): To construct [~~concrete and masonry sewers,~~] packaged sewer disposal plants[;]...

ALFRED HUFANA JR.
Sergeant-At-Arms

COMMENT: We are unsure why "sewers" was deleted from the first sentence.

RECOMMENDATION: We respectfully request that the word "sewers" be reinserted into the first sentence.

LiUNA Local 368
1617 Palama Street
Honolulu, HI 96817
Phone: (808) 841-5877
Fax: (808) 847-7829
www.local368.org

C-43 Sewer, sewage disposal, drain, and pipe laying contractor (Current Proposed Amendment) and C-45 Sewer and lift station contractor (Current Proposed Amendment): ...; provided that this shall not include the installation of process piping;

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COMMENT: In both the current proposed amendments to the C-43 and new C-45 the above mentioned language has been added to the respective sections. This added section would appear to be inconsistent with the Board's previous decision in August 2015 in response to questions from Nan, Inc regarding the Kailua Wastewater Treatment Plant. In that case, the Board recommended that the C-43 and A licenses were acceptable to perform the mechanical process piping and pipefitting work for both the sewage lift station and the underground piping to and from the headworks facility, based on the specifics in the plans.

Furthermore, process piping by definition is not considered plumbing work. Process piping is regulated by engineering standards, not the plumbing code, and the work is not inspected by a plumbing inspector.

RECOMMENDATION: We respectfully request that the Board maintain an approach consistent with the Board's 2015 Nan Inc. decision (referenced above) which was based on the specifics of the project instead of adding a blanket exclusion for all process piping and removing work from contractors who have been performing such work.

C-43 Sewer, sewage disposal, drain, and pipe laying contractor and new classification C-45 Sewer and lift station contractor (Current Proposed Amendments): Actual text of both proposed sections.

COMMENT: It appears that both sections are virtually identical with the exception of a few small language differences. If the differences between the two sections are deemed to be material differences by the Board, would the license holders who have been performing the work determined to be a material difference so as to require a separate license classification (C-45) under the current C-43 license be "grandfathered" into the new section?

RECOMMENDATION: We would respectfully request that the Board either merge the both sections under C-43 or create a C-43a classification instead of an entirely new license classification (C-45).

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C-48e Communication Tower Contractor (Current Proposed Amendment): ...
excavation, surface preparation, grading, tower foundation...

COMMENT: This work should be performed by appropriately licensed contractors since excavation, surface preparation, grading, tower foundation are fundamentally different from the tower construction itself.

RECOMMENDATION: We would respectfully request that the Board remove the above-mentioned language from the C48e classification.

Thank you very much for the opportunity to comment and participate in this process.

Respectfully,

Ryan K. Kobayashi

April 11, 2019

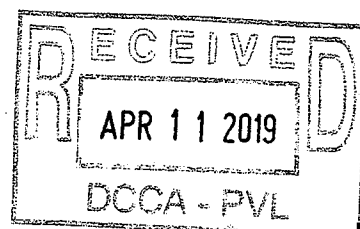
Contractors License Board
335 Merchant Street
Honolulu, Hawaii 96813

RE: January 18, 2019 Contractor License Board Investigative Committee of the Rules Committee Report
Proposed Amendments to Hawaii Administrative Rules Chapter 16-77 Specialty Contractor
Classifications Rule Package

Dear Contractors License Board Members:

Pacific Resource Partnership (PRP) respectfully requests that the Contractor License Board (CLB) extend the public comment period on the above-referenced proposed amendments to HAR Chapter 16-77 by a minimum of sixty (60) days beyond the current deadline of April 12, 2019 to give members of the construction industry more time to review the proposed amendments and provide meaningful comments. We have found it difficult to gather feedback from our members in such a short period of time for the following reasons:

- More time is needed to notify and obtain feedback from our member contractors who will be impacted by these proposed amendments. PRP represents over 240 diverse contractors ranging from mom-and-pop owned businesses to national companies involved in all aspects of the construction industry. In order to provide the CLB with meaningful comments, we need more time to gather feedback from our member contractors who represent different areas of the construction industry.
- CLB's proposed amendments were presented to us in the midst of the 2019 Legislative Session—a time when PRP and our member contractors are very busy with legislative matters at the Hawaii State Capitol from January 16 – May 2, 2019. More time is needed after the Legislative Session to ensure that proper attention is given to these amendments by industry stakeholders.
- After reviewing these proposed amendments, we realize that more time is needed in order to ensure that the amendments, especially the new classifications identified as “formerly C-68”, are consistent with the CLB's previous decisions—in some cases this will require us to visit a designated physical site and review CLB meeting minutes that are not available on the Professional & Vocational Licensing website.



- We recommend that the CLB define or clarify terms/phrases used in proposed amendments in order for industry stakeholders to provide meaningful comments in a timely manner. It is important to define terms/phrases appropriately to determine whether or not proposed amendments are taking work away from qualified and experienced contractors. The following are some terms/phrases which need more clarification:
 - A proposed amendment under C-4 (Boiler, hot-water heating, hot water supply, and steam fitting contractor) includes the term “pressure valves.” What types of pressure valves is the CLB referring to? Is this term referring to “high” pressure valves or “all” pressure valves? This distinction is important to ensure that the C-4 classification is not taking work away from other licensees who work with pressure valves.
 - A proposed amendment under C-9 (Septic system contractor) includes the term “packaged sewage treatment systems.” How does the CLB define “packaged sewage treatment systems”? Does this term include large sewer projects that could potentially allow the C-9 to work on sewer projects that fall under the C-43 (Sewer, sewage disposal, drain, and pipe laying contractor) classification?
 - Proposed amendments under C-14 (Sign contractor), C-60 (Solar power systems contractor), C-61 (Solar energy systems contractor), and C-61a (Solar hot water systems contractor) include the phrase “provided that this shall not include the installation of any conduit, electrical connections, grounding, bonding...” Does this phrase exclude the installation of low voltage wiring and connections for these types of projects?

For these reasons, we respectfully request that the CLB extend the public comment period on above-referenced proposed amendments by a minimum of 60 days beyond the April 12, 2019 deadline.

However, if this Board chooses not to extend the comment period, we would like to provide the following comments for consideration:

1. In OPPOSITION to proposed firestopping amendments.

- We OPPOSE firestopping amendments to C-1, C-2, C-13, C-15, C-15a, C-15b, proposed classification C-15c and d, C-20, C-20a, C-37c, C-37e, C-37f, C-40, and C-52. These amendments will likely take work away from contractors experienced and interested in firestopping, because they may not have the overall experience required to obtain any of the licensing classifications listed above to continue firestopping work.
- We RECOMMEND that the CLB create a new firestopping contractor subclassification as C-20b which should be automatically held by the “A” and “B” general contractors—this subclassification would fall under the C-20 (Fire protection contractor) classification. Firestopping systems should be installed throughout buildings or structures, such as apartment buildings, hospitals, schools, nursing homes, and office buildings, which are all

within the scope of work that the “A” and “B” general performs. Moreover, a new firestopping subclassification will allow contractors experienced and interested in only firestopping work to do that type of work without having to satisfy the requirements of other classifications unrelated to firestopping.

2. In OPPOSITION to proposed amendments to the C-5 classification (Cabinet, millwork, and carpentry remodeling and repairs contractor).

- We OPPOSE amendments to the C-5 classification. This amendment would unnecessarily limit the type of remodeling and repair work which the “B” general building contractor is already qualified to perform. Pursuant to Section 444-7, Hawaii Revised Statutes a “B” general building contractor is permitted to perform work to “any structure built, being built, or to be built for the support, shelter, and enclosure of persons, animals . . . requiring . . . more than two unrelated building trades or crafts . . .” As such, “B” general building contractors are qualified to perform work beyond carpentry remodeling and repairs and work beyond nailing or screwing attached prefabricated flanged window and door systems—they should not be limited to this type of work. The proposed amendments to the C-5 classification are therefore unnecessary and do nothing to protect the public health, safety, and general welfare.
- We RECOMMEND that the CLB not adopt any amendments to the C-5 classification.

3. In OPPOSITION to the newly proposed C-5a classification (Residential cabinet, millwork, and carpentry remodeling and repairs contractor).

- We OPPOSE the newly proposed C-5a subclassification for the following reasons: 1) a contractor with C-5 license can already do this type of work; 2) There is no rationale as to why this new classification is needed nor how it will help protect the public, health, safety, and general welfare; and 3) the scope of work described under the C-5a classification is very difficult to separate from the C-5 classification, therefore making this newly proposed classification difficult if not impossible to enforce.
- We RECOMMEND that the CLB not adopt this new classification.

4. In OPPOSITION of deleting the C-38 (Post tensioning contractor) classification from the list of classifications automatically held by the “A” general contractor.

- We OPPOSE deleting the C-38 classification from the list of classifications automatically held by the “A” general engineering contractor. We represent member contractors who hold an “A” general engineering contractor license who are qualified and experienced with post tensioning work. Deleting the C-38 classification will unreasonably take work away from our member contractors and do nothing to protect the public health, safety, and general welfare.
- We RECOMMEND that the CLB not delete the C-38 classification from the list of classifications automatically held by the “A” general engineering contractor.

5. In OPPOSITION to the newly proposed C-39 classification (Pre-stressed concrete reservoirs contractor)

- We OPPOSE the newly proposed C-39 classification since it removes the contractor's ability to use reinforced steel to build pre-stressed concrete reservoirs. This classification will require qualified contractors who build pre-stressed concrete reservoirs to get an additional license—C-41 reinforcing steel license—in order to complete this type of work.
- We RECOMMEND that the CLB not adopt this new classification.

6. In OPPOSITION of a proposed amendment to the C-41 classification (Reinforcing steel contractor)

- We OPPOSE the proposed amendment to the C-41 classification that adds "using steel wire or any facsimile steel product" for the following reasons: 1) this amendment will take work away from the "A" and "B" general contractors, who are qualified and already doing this type of work—since the "A" and "B" general contractors do not automatically hold a C-41 license, they would need to apply for a C-41 license to use steel wire or any facsimile steel product in their work; and 2) this newly proposed classification only creates an unnecessary hurdle for qualified contractors and does nothing to protect the public health, safety, and general welfare.
- We RECOMMEND that the CLB not adopt this proposed amendment to the C-41 classification.

7. In OPPOSITION of a proposed amendment to the C-42 classification (Roofing contractor)

- We OPPOSE a proposed amendment which adds the word "purlins" to the C-42 classification. We believe that the installation of purlins belongs under the C-6 carpentry framing contractor classification.
- We RECOMMEND the following amendment striking out "purlins" from the proposed amendment to the C-42 classification: ". . . To also install roof flashing, penetrations, standoffs, underlay, [purlins] sleeper, and nailer strips in connection with all of the above;"

8. In OPPOSITION of a proposed amendments to the C-43 classification (Sewer, sewage disposal, drain, and pipe laying contractor).

- We OPPOSE a proposed amendment, which excludes the installation of process piping from the C-43 classification. This proposed amendment conflicts with the CLB's August 20, 2015 decision, which states that the C-43 Sewer, sewage disposal, drain, and pipe laying, and "A" General Engineering could perform the mechanical process piping and pipefitting work that carry sewage for the sewage lift station (See attached: page 18 and 19 of August 20, 2015 CLB minutes).
- We ALSO OPPOSE the removal of the word "sewers" from the first sentence of the description. Constructing sewers should be a basic part of the scope of this description.

- We RECOMMEND the following amendment striking out language excluding the installation of process piping from the proposed amendment to the C-43 classification: "...and reconditioning of pipelines, including the excavation, grading, trenching, backfilling, paving, and surfacing in connection therewith; [provided that this shall not include the installation of process piping;]"
 - We ALSO RECOMMEND keeping the word "sewers" in the first sentence of the description.
9. In OPPOSITION of a proposed amendment to the newly proposed C-45 classification (Sewer and lift station contractor).
- We OPPOSE a proposed amendment, which excludes the installation of process piping from the newly proposed C-45 classification. This proposed amendment conflicts with the CLB's August 20, 2015 decision, which states that the C-43 Sewer, sewage disposal, drain, and pipe laying, and "A" General Engineering could perform the mechanical process piping and pipefitting work that carry sewage for the sewage lift station (See attached: page 18 and 19 of August 20, 2015 CLB minutes).
 - We RECOMMEND the following amendment striking out language excluding the installation of process piping from the proposed amendment to the newly proposed C-45 classification: "... [provided that this shall not include the installation of process piping;]".
10. In OPPOSITION to the newly proposed C-48b classification (Pre-engineered buildings contractor).
- We OPPOSE the newly proposed C-48b classification for the following reasons: 1) this newly proposed classification would require the supplier of the pre-engineered metal buildings to "supply and erect" these types of buildings, therefore excluding other qualified contractors from erecting pre-engineered metal buildings; 2) this newly proposed classification would prevent qualified "B" general contractors from erecting pre-engineered metal buildings, since the "B" generals do not automatically hold subclassifications under the C-48 (Structural steel contractor) classification—pursuant to Section 444-7, Hawaii Revised Statutes a "B" general building contractor is permitted to do work to "any structure built, being built, or to be built for the support, shelter, and encloser of persons, animals . . . requiring . . . more than two unrelated building trades or crafts . . ."; and 3) overall this newly proposed classification takes work away from qualified contractors and does nothing to protect the public health, safety, and general welfare.
 - We RECOMMEND the CLB not adopt this new classification.
11. In OPPOSITION to the newly proposed C-48c, C-48d and C-48f classifications (Smokestack contractor, Dome cover installation contractor, Pre-engineered hybrid panelized roof structure contractor).
- We OPPOSE the newly proposed C-48c, C-48d and C-48f classifications, since smokestacks/chimneys, dome covers and pre-engineered panelized systems can be made from materials other than steel.

- We RECOMMEND the CLB not adopt these new classifications.

12. In OPPOSITION to the newly proposed C-48e classification (Communication tower contractor).

- We OPPOSE the newly proposed C-48e classification, because expands the scope of the C-48 classification beyond the erection and repair of steel towers. For example, this newly proposed subclassification would expand the scope of a C-48 (Structural steel contractor) licensee by allowing him/her to do work that he/she is not qualified to do, such as excavation, grading, and foundation work.
- We RECOMMEND the CLB not adopt this new classification, or at the very least strike out the following language in the proposed classification description: "To construct, erect and repair steel communication towers [including the related excavation, surface preparation, grading, tower foundation, coaxial cabling, antenna systems and microwave systems; provided that this shall not include the installation of any conduit, electrical wiring, or electrical connections for power wiring]."

Thank you for this opportunity to submit written comments.

Sincerely,



Christopher Delaunay
Government Relations Manager

Attachments

4. Rules Committee:
Tyrus Kagawa, Chairperson

None.

5. Investigation Committee:
Kent Matsuzaki, Chairperson

None.

6. Scope of Activity Committee:
Nathan T. Konishi, Chairperson

Co-Ha Builders, Inc. Co-Ha Builders, Inc. requests a determination on whether the C-25 Institutional and commercial equipment contractor may install a pre-engineered and pre-fabricated angle framed bleacher.

Joseph O'Donnell of the Ironworkers Local Union 625 testified that they believe the C-48 Structural steel license is required for the installation because it is for an outside athletic field system that is structurally designed to hold people and withstand wind shear. It is unlike an accordion or folding bleacher system which is installed inside a building.

Recommendation: The C-25 Institutional and commercial equipment or a "B" General Building contractor may install the pre-engineered and pre-fabricated angle frame bleachers, provided that welding and/or on-site fabrication is not required.

It was moved by Mr. Lee, seconded by Mr. Mochida, and unanimously carried to approve the above scope recommendation.

Nan Inc. (deferred from July 24, 2015 meeting) – Nan, Inc. requests a determination on the licenses required for the county Kailua Regional Waste Water Treatment Plant Tunnel Influent Pump Station and Headworks Facility project ("Project").

Specifically:

1. Whether the "A" contractor without a C-37 or C-37e subcontractor can perform the Mechanical Process piping and pipefitting work depicted in Drawing Sheets M-001 to M-903 of the Project.
2. Whether the scope of work sections for Mechanical Process piping and pipefitting work depicted in Drawing Sheets M-001 to M-903 of the Project requires that a specialty contractor with either a C-37 (Plumbing contractor) and/or a C-37e (Treatment and pumping facilities contractor) [may] perform the work.
3. Whether the "A" contractors included specialty C-37a Sewer and drain line contractor and/or C-43 Sewer, sewage disposal, drain, and pipe laying contractor can perform the Mechanical Process

pipng and pipefitting work depicted in Drawing Sheets M-001 to M-903 of the Project.

4. Whether a C-5 Cabinet, millwork, and carpentry remodeling and repairs contractor can perform the Mechanical Process piping and pipefitting work depicted in Drawing Sheets M-001 to M-903 of the Project or is either a C-37 (Plumbing contractor) and/or a C-37e (Treatment and pumping facilities contractor) only able to perform the work.

Mr. Konishi Invited guests to provide testimony on this inquiry.

Guy Inouye of the City & County of Honolulu ("C&C") stated that his understanding is that there is an existing opinion from the Board for the December 2001 KD Construction case ("KD") which involved the Laie Lift Station project that is similar in scope to the Kailua Regional Waste Water Treatment Plant Tunnel Influent Pump Station and Headworks Facility Project ("Kailua project") that is currently before the Board. The Laie project cost approximately 2.7 million for a sewer lift station. The magnitude of the Kailua project is different and estimated to be over \$140 million. In the KD Construction case, the Office of Administrative Hearings that decided that the "A" General engineering contractor could self-perform the work without a C-37e or C-37 license, and he believes that this decision is still valid because the Hearings Officer was cognizant of Okada 1 (i.e., the March 20, 2001 Intermediate Court of Appeals decision in the Okada Trucking v. Board of Water Supply case). Mr. Inouye also stated that in the Kailua project, the process mechanical piping work within the pump station and headworks structures is not C-37 plumbing work and did not think the five-foot rule applied. Work done by a licensed plumber is according to the Plumbing Code, and the process mechanical piping is not designed according to the Plumbing Code. The process mechanical piping work within the pump station and headworks structures is not inspected and is accepted pursuant to the Plumbing Code. In addition, the structure is not intended for public occupancy, but the structure is basically to enclose pipes from the weather and to contain foul air.

This project is mandated by a federal consent decree and is already five months delayed. The work is to proceed December 2015 for completion by June 2018. The low bidder on the job was unresponsive and the project is now looking at \$19 million additional dollars, and therefore, the C&C is asking for a timely decision on this matter.

Mr. Kagawa asked if the building is considered a mechanical shelter. Mr. Inouye replied "yes", and explained that the major component is to lift sewage from a deep cavity. From Kaneohe, sewage arrives in place by gravity at the Kailua plant, about 85 feet deep. It functions primarily as a sewage lift station. After the sewage is lifted, it goes to the headworks facility where it is first screened to remove larger debris. The second screening is de-gritting where it removes little rocks and other non-

organic debris. The headworks facility is a receiving structure where sewage is preliminarily treated by removing debris that would hurt the function of the plant by damaging the pumps.

Mr. Inouye stated that this plant is adjacent to a residential area and a school, so the prevailing winds from the plant go into the residential area, so one of the goals of the project is to contain the foul air and odor. This is a brand new lift station being added to the existing secondary treatment plant.

After the screening process, the influent goes to the primary clarifier which is a large holding tank where the sewage is allowed to settle. The settled sewage then goes through a biological process where organics are assimilated by bacteria, organic material is removed, and the biomaterial is allowed to settle again and is centrifuged. The solids are removed, the water is treated with UV, and the water that leaves the plant is relatively clean.

The M sheets primary focus is the pump station and headworks process mechanical piping and equipment supports. Odor is conveyed through duct work. The influent moves between the pump station and treatment plant. The Board inquired whether the project included fuel dispensing work. Mr. Inouye replied "yes", there is a generator and associated electrical devices.

Mr. Kagawa asked whether the compressed air within the TIPS facility is for air or to power equipment. Garrett Leong, design team manager of Brown & Caldwell, stated that they were hired as part of the design team. He related that during the design phase, they were asked to include compressed air within the facility to provide air to power hand tools for maintenance should the operator need it in the future. The compressed air is not used for valves; valves are all electrically activated.

Wesley Yokoyama, design chief at the C&C, stated his concern is the effect of the delay on the federal consent decree, which has a comprehensive compliance schedule for the City to upgrade its wastewater collection system. It is a 25-year program, which is set for the C&C and valued at \$4 billion. They have spent three years in negotiations with the state DOH, EPA, mayors, Counties, etc., to schedule projects. Each year's budget is carefully considered, with affordability to rate payers in mind, and laid out over 25 years. Bids were opened on March 18, 2015. Due to the protests, all awards have been stayed. September 1st is their deadline to award the project, which will not be met. They will sustain a breach of deadline penalty which will be passed on to the rate payers.

HPCC's bid was \$149 million and Nan, Inc.'s was \$156 million. There is a \$7.3 million difference and should Nan, Inc. be awarded this project, the additional costs will be passed on to the ratepayers. Additional costs also

affect the ability to fund the consent decree. They are in year 5 of the 25-year program, and there are still big capital projects to be scheduled.

Mr. Yokoyama also stated that the Board's laws are not specific and he noticed a trend for protest actions based on contractor issues, and is hoping that not all projects will come before the Board. He also stated that the C&C can only award the low bidder.

Ryan Ota, Deputy Corporation Counsel for the C&C, summarized the City's supplemental position in regard to Nan, Inc.'s scope request. He stated that the Board's law, HRS section 444-7, defines the "A" as being in the contracting business in connection with fixed works. The City relied on the Board's prior decision at its September 2001 meeting that the Laie Wastewater facility project could be performed by the "A" contractor without a C-37 or C-37e subcontractor. The City also relied upon relevant case law. The Board's decision was incorporated into the KD case by the Office of Administrative Hearings. In the KD case, the Board determined that there was a bathroom facility, which required a C-37 Plumbing subcontractor, but the non-plumbing work could be performed by the "A" contractor. Mr. Ota stated that the KD case was decided after the Intermediate Court of Appeals ("ICA") ruled in Okada 1 that the licensed "A" or "B" general contractor could self-perform the work if they had appropriately licensed employees.

The Supreme Court then held in Okada 2 (the January 2002 Supreme Court decision in the Okada Trucking case) that the ICA erred in its decision and the Supreme Court ruled that general contractors must hold specialty licenses or use properly licensed specialty contractors to do the work that automatically do not come with the general contractor's licenses.

Mr. Ota stated that the KD case was decided in compliance with Okada 2, as there were portions of work that required the C-37. In the Kailua project, the U sheets require the C-37 license; however, the issue is the M sheets which is process mechanical piping and contains no "plumbing" work. He therefore asked the Board to reaffirm its September 2001 decision.

Garrett Leong stated that wastewater treatment plants involve process mechanical piping that is separate from plumbing. The M drawings are based on the process piping and equipment for the waste water conveyance and pumping. They are designed by civil and mechanical engineers that have the proper experience, and the work is governed by industry and professional standards. He also clarified that the concern is not the U drawings, and was here to answer any questions the Board may have.

Executive Officer Ito asked if the City is their client and if they are responsible for preparation of contract documents for this project? Garrett Leong responded that the City is his firm's client and they

prepared the contract documents for the City.

Mr. Matsuzaki inquired how the sewage flowed. Garrett Leong explained that the 10-foot wide tunnel begins underground from Kaneohe and runs to the Kailua pump station. The tunnel may run as deep as 100 feet deep. Once the wastewater reaches Kailua, the lift station pulls the wastewater up to the headworks facility to receive the wastewater. Debris such as rock and sand is removed to protect equipment from being damaged. The wastewater flows by gravity to clarifiers where solids are allowed to settle. The wastewater then goes to a secondary clarifier for biological treatment and to settle out solids. There are various scrubbers at the TIPS and headworks facility.

Mr. Leonard Leong asked if the primary purpose of the piping and concrete structure is to lift the wastewater up to the treatment plant. Garrett Leong replied "yes". Mr. Kagawa asked if the wastewater moves only by gravity once it is pumped up by the lift station. Garrett Leong responded that the wastewater moves by gravity prior to the primary clarifier.

Wyeth Matsubara, attorney representing Nan, Inc., testified that it is inappropriate to rely on a 15-year old decision by the Board. He stated that the C-37e classification is for the pump and wastewater treatment work. When asked who Nan, Inc. listed as its C-37 contractor, Mr. Matsubara replied that it was Oceanic Companies Inc. He stated that everyone who bid on the project also had a C-37 license. Only HPCC did not have a C-37 license.

Richard Crago of HPCC stated that one of the attachments they presented listed the different types of work required in this project, such as the closed loop air and reclaimed water systems, and wanted to clarify that they did list a C-37 contractor to do this part of the work. He stated that the sewage that goes to the headworks facility is not piping work. The wastewater in the headworks facility is screened in open concrete channels with plastic lining. They interpreted the C-43 to be the license required to do the lift station work in addition to the "A". They have done this type of work before 1995. At the Board's July 24, 2015 meeting, misrepresentations were made as to what kind of licenses the other contractors had for similar past projects. Parsons lost their C-37e classification through their RME, so they had bid with an "A" only. Hawaiian Dredging bid on these types of project only with an "A" up to 2012, and got their C-37e and other specialty classifications to avoid protests.

Mr. Crago stated that this project involves underground piping that connects the sewage lift station to the headworks facility. The piping stops at the wall sleeve where the flow can be diverted. There is no conveyance piping in the headworks facility it is all open flow gravity inside the building. The M drawings show diversion to enhance gravity

flow. The 10-foot wide channel tunnel is to avoid sewage overflows when there is a considerable amount of rain. This project is to do the front end of the work, which is the sewage lift station and to transport the wastewater by gravity to the headworks facility. They will not be doing any work with the existing treatment plants. They plan to have millwrights from the carpenters union that have hytorc bolting training to perform the bolted pipes. The mechanical part of the project is not only piping, but also the equipment. Mr. Crago related that HRS chapter 444 states that an "A" can do sewage disposal plants. The fuel lines, compressed air lines, and reclaimed water systems will be performed by a C-37. On other sheets, non-potable water is used to flush pumps and are part of a closed system. Mr. Crago stated he has designed some treatment plants in the past and is confident in doing this project.

Mr. Kagawa asked Mr. Crago to explain why he believes that Okada 2 would not be a factor in determining the correct license classifications in this project, and asked that he explain his interpretation of the Okada 2 case.

Mr. Crago stated that Erik Eike, counsel for HPCC, is more knowledgeable in explaining Okada 2.

Mr. Eike explained that pre-Okada 2, the "A" and "B" general contractors could perform just about any specialty work if it were part of the project. They could not perform specialty work that was not part of their project if they did not hold that specialty license. The Okada Trucking case went to the ICA. Justice Levinson, who was his former law partner, presided over the Supreme Court in the Okada 2 decision. The parties agreed that the C-37 was required for part of the work in Okada and no one contested this. If no one contests, the Court cannot do anything and the Court has to decide. The Court accepted the uncontested stipulation in this matter.

The case went to the ICA to try to reverse the Hearings Officer's ruling that the C-37 Plumbing license was required. The ICA ruled that a C-37 license was required. The Supreme Court overturned the ICA's ruling. Justice Levinson said that the "A" and "B" contractors could only do specialty work that came automatically with their licenses. The decision dealt only with the C-37, and the point being made was that the "A" and "B" could not perform all "global" plumbing work. The Legislature empowers the Board to make laws and the Supreme Court interprets and enforces the statutes and can also overturn a ruling. HRS section 444-8 authorizes the Board to create classifications based on custom and practice in the industry. The Supreme Court decision in the Okada 2 case was that the "A" and "B" cannot perform all C-37 work, and did not discuss the C-43 which covers lift stations. While an "A" may not perform all C-37 plumbing work, he believes that the mechanical process piping work in this project is clearly within the scope of the "A" as the legislature deemed that the "A" has the expertise to construct wastewater treatment plants.

Mr. Eike remembers a C-37 contractor who subbed the process piping work to an "A" contractor in a federal job a while ago. He stated that it has almost always been an "A" who does this type of work because it is not plumbing work. He stated that everyone is relying on the Board to make a decision, and if changes have to be made, then the rules should not be changed in the middle of the game. The Board should not change rules that the industry has relied on. If there is a change, then the decision should only impact future projects.

Scott Jennings, RME of Jennings Pacific LLC, stated that he was formerly with Robison Construction, Inc. ("RCI") and was involved with over \$160 million of work at the Sand Island Wastewater Treatment Plant project in the early and mid-2000's. All work was done under their "A" license and he still believes that this work should be done by the "A" contractor. He also stated that project delays affect people's lives.

Written testimony was received by Jennings Pacific LLC and, in addition, written testimony in support of the "A" license required for this project was also submitted by Peter A. Ganaban of the Laborers' International Union of North America Local 368 and Julie M. Sankey of Parsons RCI.

Executive
Session:

At 12:57 p.m., it was moved by Mr. Konishi, seconded by Mr. Lee, and unanimously carried to consult with Rodney J. Tam, deputy attorney general, on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pursuant to HRS section 92-5(a)(4).

At 2:14 p.m., it was moved by Mr. Suehiro, seconded by Mr. Kagawa, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

Recess:

Vice Chairperson Polischek called for a short recess at 2:15 p.m. The Board meeting reconvened at 2:18 p.m.

Nan, Inc.

Mr. Konishi stated that since 2002 and based on the Supreme Court's decision in the Okada 2 case, the Board's position or interpretation has been that the "A" General engineering and "B" General building contractor can bid or act as the prime on "A" and "B" projects, but can only perform work in the appropriate "C" classifications that come with their licenses, and work that is "incidental and supplemental" to their licenses. Because it is difficult to answer the questions as posed due to the complexity of the Kailua project, the Board instead will answer all four questions with one response: the C-43 Sewer, sewage disposal, drain, and pipe laying, "A" General Engineering, C-37e Treatment and pumping facilities, or C-37 Plumbing contractor may perform the mechanical process piping and

pipefitting work that carry sewage for the sewage lift station. All other mechanical process piping or pipefitting work for potable water, etc., depicted in the M-001 to M-903 drawing sheets must be performed by the C-37 or C-37e contractor. The C-37f Fuel dispensing or C-37 may perform the process piping for the fuel lines.

It was moved by Mr. Lee, seconded by Mr. Mochida, and carried by majority vote (with Messrs. Kagawa and Matsuzaki opposed) to approve the above Nan, Inc. scope recommendation.

Glaziers Architectural Metal and Glassworkers Local Union 1889

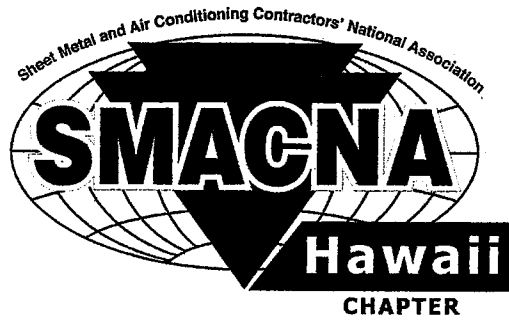
("Glaziers") – The Glaziers request reconsideration of the Board's June 19, 2015 determination that the C-32 Ornamental, guardrail, and fencing contractor may install the pre-engineered, pre-fabricated aluminum frame guardrail system with various panel inserts, including glass panels, and a determination that only the C-22 Glazing and tinting contractor may perform this work.

Dwayne Arelliano testified that Dave Terry of ATR Technologies, Inc. only distributed a sample of the railing with plexi glass insert at the Board's June 2015 meeting, because it would have been dangerous if an actual piece of glass was inserted. You need to be qualified to handle glass or it is not safe. The Board called it an insert. The bottom line is that it is still a piece of glass. Mr. Arelliano wanted the Board to reconsider its decision because the C-32 description does not even mention glass and the handling of glass has an impact on public safety. He showed a video on the handling of glass and why it impacts public safety.

While setting up Mr. Arelliano's video, Wyeth Matsubara for Nan, Inc. stated that the fuel lines in the Kailua project are not relevant and they were asking only about the mechanical process piping work. He wanted to make it clear that Nan, Inc.'s inquiry is not limited to the sewage lift station, but they are also asking about the piping in the headworks facility. DAG Tam stated that the Board will need to discuss Nan, Inc. matter further after Mr. Arelliano's presentation.

After the video, Mr. Arelliano explained that just touching the corners of the glass a certain way can cause it to explode and potentially hurt people on the ground below. Glass expands and contracts and they teach their apprentices on how to look for inclusions, which can cause spontaneous combustion. "Seeds" are internally in the glass and the apprentices are trained to spot the "seeds" before installing. In 2012, major high rises rained glass on people. In Canada, there were three major combustions of glass.

Mike Houar of Tropical Wholesale, Inc. stated that his father's company was the first window factory in Hawaii, so growing up in the factory he saw glass exploding due to soft spots and as stated by Mr. Arelliano. They bring in glass windows from California and he has seen accidents



April 12, 2019

Mr. John Polischeck, Jr.
Chairperson, Contractors License Board
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
P.O. Box 3469
Honolulu, HI 96801

Chair Polischeck and Members of the Board:

Thank you for the opportunity to submit comments relating to the proposed amendments to the Specialty Contractor Classifications.

SMACNA Hawaii represents the management of sheet metal & air conditioning contractors across the state.

Attached for your consideration are our suggested revisions to the proposed amendments.

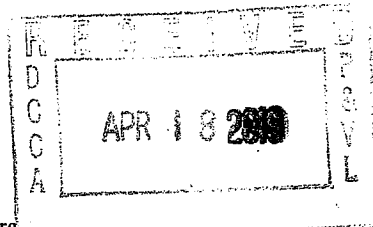
Please let us know if you have questions. We look forward to participating in the discussion.

Thank you for your service to our state and the construction industry.

Mahalo,

A handwritten signature in black ink, appearing to be "Blake Parsons", written over a horizontal line.

Blake Parsons
Executive Director

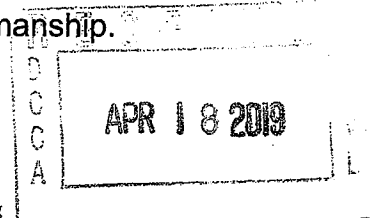


SMACNA PROPOSED CHANGES DENOTED BY * AND COLORED RED**

C-5 Cabinet, millwork, and carpentry remodeling and repairs contractor.

To install cabinets, cases, sashes, doors, trims, [er] window shutters, garage doors, bifold and shutter doors, nail on or screw attached prefabricated flanged window and door systems, manufactured siding and nonbearing partitions; [~~that become a permanent part of structure, and to remodel or to make~~] and to perform carpentry remodeling and repairs. [~~to existing buildings or structures, or both; and to do any other work which would be incidental and supplemental to the remodeling or repairing. The repairs, carpentry work, or remodeling shall include the installation of window shutters, garage doors, bifold, and shutter doors; and the installation of manufactured sidings and any other work that would not involve~~] Work shall not include changes or additions to the building's or structure's basic components such as, but not limited to, foundations, beams, rafters, joists, or any load bearing members or sections; ***and electrical, plumbing, ventilating and air conditioning, boiler, elevator, and asbestos abatement work;***

DISCUSSION: SMACNA Hawaii's proposed revisions clarifies that the C-5 licenses is limited to "carpentry" remodeling or "carpentry" repairs and does not encroach on other work requiring specialized training and skills. A specialty contractor is defined in HRS 444-7(d) as one *"whose operations as such are the performance of construction work requiring special skill such as, but not limited to, electrical, drywall, painting and decorating, landscaping, flooring, carpet laying, plumbing, or roofing work, and others whose principal contracting business involves the use of specialized building trades and crafts."* As written, the scope of the C-5 is overly broad and certain work, if performed by a C-5 contractor without the other proper specialty licenses would put the public at risk due to shoddy workmanship.



SMACNA PROPOSED CHANGES DENOTED BY * AND COLORED RED**

C-5[b]c ***Residential*** **Siding application contractor.** To prepare surfaces and install aluminum vinyl or other manufactured siding ***on single-family residential projects*** [~~with the exception of wood,~~] so that a watertight surface is obtained;

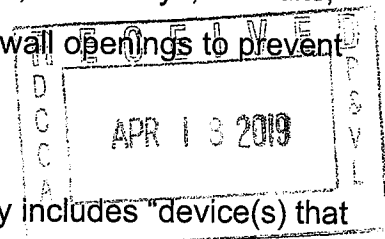
DISCUSSION: SMACNA Hawaii's proposed revisions more accurately tailors the scope to the intent of the C-5c contractor to single-family residential projects. "Aluminum vinyl or other manufactured siding" is broad and could be misinterpreted to encompass large multi-family or commercial building envelopes, which would require the experience and skills encompassed in a qualified C-44 sheet metal contractor.

There phrase - "and to install related firestopping" – was included in several classifications. We would recommend further defining this phrase in all occurrences as:

"and to install related firestopping ***sealant to fill an annual space***"

The NFPA defines "firestop" as:

"A specific system, device, or construction consisting of the materials that fill the openings around penetrating items such as cables, cable trays, conduits, ducts, pipes, and their means of support through the wall openings to prevent the spread of fire."



As noted in the NFPA definition above, "firestopping" broadly includes "device(s) that fill the openings around penetrating items such as...ducts...and their means of support through the wall openings to prevent the spread of fire." We find the inclusion of firestopping to be overly broad and could be misinterpreted to include devices such as fire and/or smoke dampers, which are used to seal through wall duct penetration in case of fire/smoke. Therefore, for uniformity and clarity, we

SMACNA PROPOSED CHANGES DENOTED BY * AND COLORED RED**

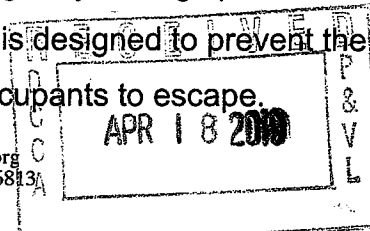
request that firestopping be narrowly curtailed to only include sealants designed to fill an annual space.

This phrase was included in:

- **C-15a Fire [and burglar] alarm contractor.**
- **C-20 Fire protection contractor.**
- **C-20a Fire repressant systems contractor.**
- **C-37 Plumbing contractor.**
- **C-37c Vacuum and air systems contractor.**
- **C-37e Treatment and pumping facilities contractor.**
- **C-37f Fuel dispensing contractor.**
- **C-40 Refrigeration contractor.**

C-15a Fire [and burglar] alarm contractor. To install, maintain, and repair [central] fire [and burglar] alarm systems[;] including all associated apparatus, equipment, devices, cabling, chase or low voltage wiring and connections and to install related firestopping ***sealant to fill an annual space***; provided that this shall not include the installation of any [conduits thereto;] conduit, electrical wiring, or electrical connections for power wiring; ***mechanical equipment relating to fire & smoke dampers and smoke control systems;**

DISCUSSION: The C-15a Fire alarm contractor scope should be narrowly curtailed to exempt mechanical equipment relating to fire and smoke dampers and smoke control systems, which are integral life safety systems designed and installed as part of an HVAC system. The scope as presented could be misconstrued to include these mechanical systems, which are triggered by fire and/or smoke alarms. If an unqualified contractor installed this equipment, it would place the public in danger by having specialized equipment possibly function improperly, which is designed to prevent the spread of smoke and fire and allow building occupants to escape.



SMACNA PROPOSED CHANGES DENOTED BY * AND COLORED RED**

The National Fire Protection Association (NFPA) defines a Fire Damper as:

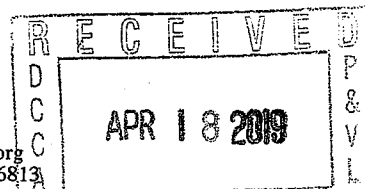
"A device installed in an air distribution system, designed to close automatically upon detection of heat, to interrupt migratory airflow and to restrict the passage of flame. Fire dampers are classified for use in either static systems or for dynamic systems, where the dampers are rated for closure under airflow.

Furthermore, the NFPA defines a Smoke Damper as:

A device within an air distribution system to control the movement of smoke.

C-20 Fire protection contractor. To lay out and install approved types of fire prevention and protective systems, including all mechanical apparatus, devices, piping, and equipment appurtenant thereto[.] and to install related firestopping ***sealant to fill an annular space***; provided that this shall not include the installation of fire and smoke dampers or smoke control systems. The licensee shall comply with applicable provisions of the ~~National Board of Fire Underwriters (NBFU) standards~~ ***Hawaii State Fire Code*** to meet all requirements of the local authorities having jurisdiction;

DISCUSSION: The C-20 Fire protection contractor scope should be narrowly curtailed to exempt mechanical equipment relating to fire and smoke dampers and smoke control systems, which are integral life safety systems designed and installed as part of a HVAC system. The scope as presented could be misconstrued to include these mechanical systems, which could be considered fire prevention and protection systems. If an unqualified contractor installed this equipment, it would place the public in danger by having specialized equipment possibly function improperly, which is designed to prevent the spread of smoke and fire and allow building occupants to escape.



SMACNA PROPOSED CHANGES DENOTED BY * AND COLORED RED**

The National Fire Protection Association (NFPA) defines a Fire Damper as:

"A device installed in an air distribution system, designed to close automatically upon detection of heat, to interrupt migratory airflow and to restrict the passage of flame. Fire dampers are classified for use in either static systems or for dynamic systems, where the dampers are rated for closure under airflow."

Furthermore, the NFPA defines a Smoke Damper as:

"A device within an air distribution system to control the movement of smoke."

If an unqualified contractor installs fire and/or smoke dampers and/or smoke control systems and that contractor does not understand system effect on the entire HVAC system, it could lead to dampers not closing and loss of stairwell pressurization during an incident, which would prevent building occupants from escaping safely or first responders from entering a building.

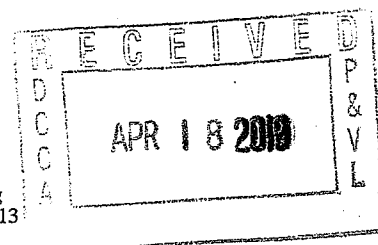
C-52a *Residential ductless*** Split system air conditioning contractor.** To assemble and ***ductless*** install warm-air heating and air cooling systems units ***on residential projects including multi-family or multi-unit structures provided that the work is limited to a single residence or unit and*** totaling not more than two ~~four~~ and one fourth tons refrigeration (~~fifteen kilowatt~~) cooling capacity;

DISCUSSION: The proposed C-52a Split System air conditioning contractor is intended to provide a licensing opportunity for contractors who do not have the experience installing more complex air conditioning installs, thus struggling to qualify for the comprehensive C-52 license. Accordingly, the proposed C-52a license should be narrowed to an appropriate refrigeration tonnage found in most common single-family homes. A contractor who performs work up to four and one fourth tons refrigeration capacity and/or in commercial applications should have the appropriate training and specialized skills found in a full C-52 contractor. Furthermore, a contractor working in a commercial atmosphere would need specialized skills with

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SMACNA PROPOSED CHANGES DENOTED BY * AND COLORED RED**

the understanding of engineered systems, ventilation rates, Department of Health regulations, and compliance with the Hawaii Model Energy and other applicable codes.

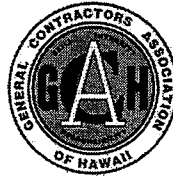


DISTRICT COUNCIL 50 COMMENTS

C-22 Glazing and tinting contractor. To glaze or tint frames, panels, sash, and doors. To assemble, ~~and install~~, fabricate, remove, repair, and seal, all makes of glass or glass substitutes, architectural metals, doors, window wall and curtain wall, shower doors, tub enclosures, mirrors, metal windows and screens, metal sliding doors, metal jalousies, store front metal and trim, plastics, tempered glass doors; including items such as phenolic panels, non-ferrous panels, sun shades, awnings, louvers, architectural screens, photo voltaic glass, glass or aluminum railings, canopies, demountable partition walls, and frames, and hardware and any allied products not stated above but affiliated with the glass and glazing industry. This specialty includes the installation of standard methods of weatherproofing, caulking, glazing sealants and adhesives.

JUN 12 2019

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Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Sent by email

June 21, 2019

MR. JOHN POLISCHECK, JR., CHAIRPERSON
CHAIRPERSON
CONTRACTORS LICENSE BOARD
P. O. BOX 3469
HONOLULU, HI 96801

SUBJECT: TESTIMONY REQUESTING ADDITIONAL TIME TO REVIEW THE JANUARY 18, 2019 CLB INVESTIGATIVE COMMITTEE OF THE RULES COMMITTEE REPORT, PROPOSED AMENDMENTS TO HAR CHAPTERS 16-77, SPECIALTY CONTRACTOR CLASSIFICATION RULES PACKAGE

Dear Mr. Polischek:

The General Contractors Association of Hawaii (GCA) is an organization comprised of over five hundred general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. Its mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

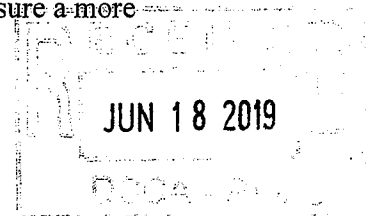
GCA greatly appreciates the Contractors License Board's (CLB) efforts to protect consumers by regulating the construction industry through policies that promote the health, safety, and general welfare of the public in matters relating to construction. GCA also appreciates the service to the industry and the people of Hawaii as a whole of the individual members of the CLB.

GCA deeply respects the work of the Investigative Committee of the Rules Committee of the CLB to propose amendments to the Hawaii Administrative Rules Chapters 16-77 that seek to ensure that A, B and C contractors perform their trade using the art, experience, science, and skill necessary to satisfactorily organize, administer, construct, and complete projects under their classification, in accordance with the standards of their trade, and to bring clarity and definition to C specialty classifications that were ill-defined.

To that end, the proposed rule package requires extensive analysis and commentary by stakeholders in the industry. While we have engaged our membership in this regard, we need more time to discuss and properly "vet" the proposed amendments so that those affected by the proposed rules package can meaningfully participate in the process.

We are asking for an extension of 3 months on the comment period before the CLB takes up the potential adoption of the Specialty Contractor Classifications Rule Package, at which time we feel that we will be able to provide comments to the CLB that will ensure a more transparent and fairer process/outcome.

Thank you for the opportunity to make our request.





ELECTRICAL CONTRACTOR'S ASSOCIATION OF HAWAII

NECA Hawai'i Chapter

1286 Kalani Street, Suite B-203

Honolulu, Hawai'i 96817

PH: (808) 847-7306

FX: (808) 841-8096

Email: ecah@ecahi.com



Ms. Candice Ito
Executive Officer,
Contractors License Board
DCCA-PVL Attn: CLB
PO Box 3469
Honolulu, Hawaii 96801

June 18, 2019

SUBJECT: C13, Electrical Contractor Scope

Dear Candice Ito:

My Name is Al Itamoto, Executive Director of the Electrical Contractors Association of Hawaii. I'm writing to support clarification to the scope of the C-13, Electrical Contractor's license to include the installation of energy storage systems (ESS) or batteries to include any conduit, electrical wiring, electrical connections or grounding and bonding associated with the installation. When connected to a solar photovoltaic system, a C-13 Electrical Contractor's license should be required to install and maintain the ESS.

Currently the C-60 Solar Power Systems Contractor is authorized to install an ESS when associated with a photovoltaic (PV) system. The installation of any ESS should be viewed as a separate system and not combined for scope purposes. The solar PV system has different functions and characteristics from an ESS system which is subject to the provisions of the National Electric Code (NEC) for its installation and handling. The NEC addresses the issue of qualified persons as those that possesses the skills and knowledge related to the construction and operation of the electrical equipment and installation and has received electrical safety training to recognize and avoid hazards involved. HRS 444E also requires that individuals possess the proper Electrical Journeyman license to perform this work. The C-60 contractor's workers do not have the proper training, knowledge, skills and experience to safely and properly install and maintain an ESS.

JUN 19 2019

We strongly encourage the Contractors License Board to clearly limit the installation and maintenance of an ESS to a C-13 Electrical Contractors.

Thank you and we appreciate the Board's consideration of these comments.

Al Itamoto

Sincerely,
Al Itamoto,
Executive Director

JUN 19 2019

HAWAII OPERATING ENGINEERS
INDUSTRY STABILIZATION FUND



4200 KALANANʻĀHONUI
AVE., SUITE 1000
HONOLULU, HI 96825

Uniting our strength and working together
Since 1970

Mr. John Polischek, JR., Chairperson
Contractors License Board
P.O. Box 3469
Honolulu, HI 96801

June 18, 2019

**RE: TESTIMONY REQUESTING ADDITIONAL TIME TO REVIEW THE JANUARY 18, 2019 CLB
INVESTIGATIVE COMMITTEE OF THE RULES COMMITTEE REPORT, PROPOSED AMENDMENTS
TO HAR CHAPTERS 16-77, SPECIALITY CONTRACTOR CLASSIFICATION RULES PACKAGE**

Dear Mr. John Polischek:

My name is Pane Meatoga III and I am the Community Liaison representing the Hawaii Operating Engineers Industry Stabilization Fund (HOEISF). We are a labor management fund representing 4000 unionized members in the heavy engineering site work and 500 general contractors specializing in heavy site and vertical construction.

As a labor management fund that represents both the Operating Engineers Local 3 Union and its 500 contractors, we appreciate all the work of the Investigative Committee of the Rules Committee of the CLB to propose amendments to the Hawaii Administrative Rules Chapters 16-77. While we have engaged some of our contractors in this regard, we feel that more time is needed to discuss and properly examine the proposed amendments and its impact on our contractors.

We kindly ask for an extension of 3 months on the comment period before the CLB takes up the potential adoption of the Specialty Contractor Classifications Rule Package.

Sincerely,

A handwritten signature in black ink, reading "Pane Meatoga III". The signature is fluid and includes a stylized flourish at the end.

Pane Meatoga III
Community Liaison
Hawaii Operating Engineers Industry Stabilization Fund

JUN 20 2019

June 21, 2019

Contractor License Board
335 Merchant Street
Honolulu, Hawaii 96813

RE: Request to the Contractor License Board (CLB) to add comments to Pacific Resource Partnership's April 11, 2019 letter to the CLB regarding the January 18, 2019 CLB Investigative Committee of the Rules Committee Report Proposed Amendments to Hawaii Administrative Rules (HAR) Chapter 16-77 Specialty Contractor Classifications Rule Package

Dear Contractor License Board Members:

Previously, the CLB extended the due date for comments on the Proposed Amendments to HAR Chapter 16-77 Specialty Contractor Classifications, until June 21, 2019. Thank you for the additional time to review the material.

After further review, Pacific Resource Partnership (PRP) respectfully submits the following additional comments and recommendations to our letter dated April 11, 2019 in strong opposition to the proposed amendments to the C-60 solar power systems contractor classification and the existing language within the C-13 electrical contractor classification. The proposed language, as worded, unnecessarily allows the electrical contractor to capture work from the solar power systems contractor without promoting the health, safety and welfare of the employer, employee and the general public. As such, PRP provides comments for the Board's consideration:

1. In OPPOSITION to a proposed amendment to the existing C-60 classification (Solar power systems contractor).
 - We **OPPOSE** the following amendment to C-60 Solar power systems contractor classification: "provided that this shall not include the installation of any conduit, electrical wiring, electrical connections, or grounding and bonding. Work includes anchor points that have pre-engineered sealing systems;". In many cases, the installation of PV modules or panels used as components in a larger PV system do not require the expertise of a C-13 electrical contractor. For instance, many PV modules or panels come with grounding and bonding already integrated into the module or panel, or the module hardware acts as a grounding device, which eliminates the need for the installation of additional grounding wire. We believe that it is more appropriate for the C-13 electrical contractor to be involved with the installation of PV modules or panels when additional grounding wire must be installed or connected. We, therefore, oppose this amendment.

JUN 21 2019



- We **RECOMMEND** the following amendment which strikes out language that will unreasonably limit the scope of work of the solar power systems contractor: "C-60 Solar power systems contractor. To assemble and install photovoltaic panels, batteries, controls, monitoring systems, and related low voltage D.C. wiring; ~~[provided that this shall not include the installation of any conduit, electrical wiring, electrical connections, or grounding and bonding. Work includes anchor points that have pre-engineered sealing systems;]~~"
2. In OPPOSITION to existing language within the C-13 classification (Electrical contractor).
- We **OPPOSE** preserving language within the C-13 classification authorizing the C-13 electrical contractor to conduct all work in which the C-60 Solar power systems contractor is licensed to do. This language should be reexamined and should not be used as a means to capture all the work that falls under the C-60 classification, especially when the C-60 contractor can safely install PV modules or panels without the assistance of an electrical contractor. For instance, the installation of many PV modules or panels used as components in a larger PV system come with grounding and bonding already integrated into the module or panel, or the module hardware acts as a grounding device, which eliminates the need for the installation of additional grounding wire. Thus, we believe it is unnecessary to preserve this language under the C-13 classification.
 - We **RECOMMEND** the following amendment which strikes out existing language related to the "C-60 solar power systems contractor": "C-13 **Electrical contractor.** . . This classification also includes the work of the C-15 electronic systems contractor; ~~[and C-60 solar power systems contractor;]~~"

Thank you for this opportunity to submit additional comments.

Sincerely,



Christopher Delaunay
Government Relations Manager



**International Union of Painters and Allied Trades
District Council 50**

April 12, 2019

2240 Young Street
Honolulu, HI 96826

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AND SOFT TILE

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DRYWALL TAPERS

FINISHERS

808.849.7766

Mr. John S. Polischek, Jr., Chairperson
and Members of the Contractors License Board
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Re: Proposed Amendments to Hawaii Administrative Rules
Chapter 16-77 Pertaining to Specialty License Classifications

Dear Chair Polischek and Members:

The International Union of Painters and Allied Trades hereby, District Council 50, hereby submits this testimony commenting upon the Contractors License Board's (hereinafter the "Board") proposed changes to the specialty contractor license classifications set forth in Exhibit A to Title 16, Chapter 77, Hawaii Administrative Rules.

I. Procedural Objections

As an initial matter, we object to the Board's decision at its March 2019 meeting not to identify the reasons for the changes in the individual specialty license classifications. Although the Board generally indicated in vague terms at the March 2019 meeting that all of the proposed changes were based upon "changes in the industry," the absence of a specific reason or justification for the proposed change in each classification leaves the public and interested parties to speculate as to the real purpose for the proposed change and denies them a meaningful opportunity to address the rules committee's underlying concerns and reasons for making the proposed changes.

II. Substantive Comments

A. C-3 Asphalt paving and surface contractor

The proposed rules change to this classification would amend the C-3 classification to allow the C-3 asphalt paving and surface contractor to **paint** parking lot and highway striping.

In accordance with longstanding practice and agreement among the trades, however, permanent, thermal and other temporary forms of striping markings clearly falls under the C-33 classification and not the C-3 classification. Attached hereto is a copy of a letter from Mr. Benjamin Saguibo, the then Business Manager/Secretary-Treasurer of the Laborers' International Union of North America, Local 368, AFL-CIO. In the letter, Mr. Saguibo clearly and unequivocally states:

The permanent painting and/or striping of freeways, highways, viaducts or other public surface transportation areas is the work of the Painters' classification.

The application of thermal striping or temporary, movable or removable forms of temporary striping or markings used on freeways, highways, viaducts or other public surface transportation areas is the work of the Painters' classification.

See id. Mr. Saguibo's letter is consistent with ongoing practice in Hawaii to this day. Therefore, based on the foregoing, we propose that the C-3 classification be amended as follows:

C-3 Asphalt paving and surface contractor. To proportion, mix and place base materials; and to place paving and surfacing consisting of graded mineral aggregates bonded with asphalt or bituminous materials so that a firm, smooth surface suitable for roadways, runways, driveways, parking areas, and play areas is obtained, including the application of seal coatings[, ~~and parking lot or highway striping~~];

B. C-5 Cabinet, Millwork and Carpentry Remodeling and Repairs Contractor

Historically, Hawaii's specialty license classifications have been based on California's specialty license classifications. The CLB's current and proposed C-5 classification represents a major and unwarranted departure from California's counterpart classification (the C-6 Cabinet, Millwork and Finish Carpentry classification).

As in California, Hawaii's C-5 classification should apply only to woodworking and woodworking repairs. We therefore urge the deletion of the confusing and misleading word "remodeling" from the current and proposed C-5 classification which allows too many persons to do specialized work for which they may not be properly trained and skilled in and which properly belonging in other existing classifications.

The proposed language adding the words "nail on or screw attached prefabricated flanged window and door systems" should similarly be removed from the proposed C-5 classification because windows and window systems properly belong in the C-22 license classification. The installation of window systems has nothing to do with woodworking and woodworking repairs which have been the historical subject of this classification. Instead, the installation of windows and metal or glass doors should continue to fall under the C-22 classification.

Finally, the proposed C-5a license classification which would be a newly created specialty sub-classification should not be adopted under the C-5 classification. The proposed language, which is overly broad in scope, covers general remodeling and repair work to existing structures which is non-structural in nature. This overly broad scope of work could potentially allow the C-5a holder to do work that is currently covered by existing specialty license classifications and for which the C-5a holder is not properly trained and skilled. Moreover, there is absolutely no rational nexus or relation between woodworking or carpentry and any of the other specialty work that could potentially be done under this new sub-classification. While the adoption of such a sub-classification would certainly benefit some trades and general contractors by allowing them to do more work for which they may not be adequately trained and skilled, it would make specialty license classifications meaningless and would be against the public interest as it would potentially subject the public and even workers to injury or property damage. This proposed language does not belong in a specialty sub-classification, but more properly belongs in the "B" license classification. We therefore urge the Board not to adopt this new proposed C-5a classification.

D. C-21 Flooring Contractor

The proposed rules create a new C-21a sub-classification which would read as follows:

C-21a Engineered wood and laminate flooring contractor. To install, replace, or repair prefinished engineered wood and laminate flooring, including related underlayment and trim;

Such a new license classification is unnecessary because the C-21 already allows for the installation of "wood floor covering." To the extent that engineered wood and laminate floor coverings are considered an entirely separate product, the C-21 language could simply be amended without the need to create a new classification.

Adoption of such a new sub-classification would preclude companies that are already installing such products under the C-21 license classification from doing such work, thereby decreasing the number of contractors able to do such work to the detriment of the public.

E. C-22 Glazing and Tinting Contractor

Regarding the C-22 license classification, we urge the Board to amend the classification to include additional language as follows:

C-22 Glazing and tinting contractor. To glaze or tint frames, panels, sash, and doors. To assemble and install, fabricate, remove, repair, and seal, all makes of glass or glass substitutes, window wall and curtain wall, shower doors, tub enclosures, mirrors, [metal] windows and screens, [metal] sliding doors, [metal] jalousies, store front metal and trim, plastics, tempered glass doors; including such items as phenolic panels, non-ferrous panels, sun shades, awnings, louvers architectural screens, photo voltaic glass, glass railings, canopies, demountable partition walls, and frames, and hardware and any allied products not stated above but affiliated with the glass and glazing industry. This classification includes the installation of standard methods of weatherproofing, caulking, glazing sealants and adhesives.

The additional requested language and the language that we are requesting be deleted is made because windows, doors and jalousie frames are not only metal but vinyl and composite material as well. Also, we request the inclusion of the additional language because these products are manufactured by the same manufacturers that make glass, window and door products that are already covered under the current language of the C-22 license classification. These products are part of the Glaziers Master Labor Agreement and have been traditionally been fabricated and installed under the current C-22 license classification in Hawaii and across the nation. Finally, the additional language

covers sealants that are necessary to properly secure and/or weatherproof the windows, doors and other products covered under the classification.

F. C-33 Painting and Decorating Contractor

The proposed rules would eliminate the ability of the C-33 license holder to perform spall repair as surface preparation work. Repair of spalls, cracks and indentations in concrete surfaces is typically performed by painters in preparation for painting to ensure that the paint system is properly applied. These affected areas must be properly sealed and/or patched prior to painting or they can contribute to water leakage, air infiltration, poor appearance, safety concerns from falling concrete and eventually structural damage.

In the past, Mr. Dean Nagatoshi, the Executive Director of the Painting and Decorating Contractors Association and Mr. Paul Kane have testified before this Board that surface preparation work under the C-33 license classification **includes non-structural spall repairs.**

Also, in the past, this Board has resolved scope of work questions in this regard by determining that spall repair work is permissible under the C-33 license classification as surface preparation work. In its meeting on January 18, 2013, this Board previously ruled that concrete spall repair work on the Piikoi Atrium project by Babylon's Painting, the holder of a C-33 license, was "surface preparation work permissible under the scope of its C-33 Painting and decorating license." According to the Board's Minutes of the January 18, 2013 meeting, the painting company had been doing non-structural spall repair under its C-33 license for 23 years. The scope of work at the Piikoi Atrium initially involved spall repair and installation of a non-skid material. The owner subsequently asked the painting contractor to do painting work after completion of the spall repair since the rigging would already be in place thereby reducing costs. As recently as its September 23, 2016 meeting, this Board again resolved a scope question by determining that a C-33 license holder may do concrete spall repair that is only for cosmetic and aesthetic purposes, and the work is non-structural. Copies of the Board's foregoing decisions are attached.

Mr. John S. Polischeck, Jr., Chairperson
and Members of the Contractors License Board
Page 6

Thank you for this further opportunity to present testimony.

Sincerely,

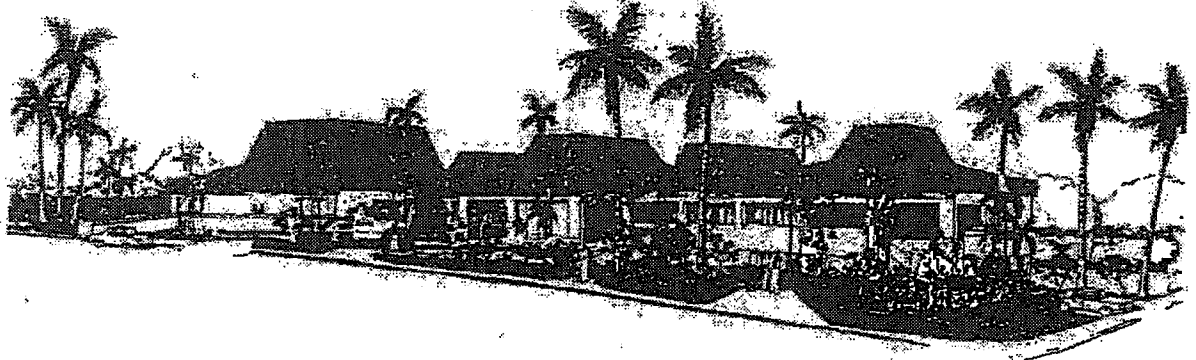
A handwritten signature in black ink, appearing to read "Ryden Valmoja". The signature is fluid and cursive, with the first name "Ryden" and last name "Valmoja" clearly distinguishable.

RYDEN VALMOJA
Business Manager/Secretary-Treasurer
International Union of Painters and Allied Trades
District Council 50

attachments



LABORERS' INTERNATIONAL UNION OF NORTH AMERICA LOCAL 368, AFL-CIO



BENJAMIN SAGUIBO

MELVIN A. CREMER

MELVIN M. KALAMA, JR.

NORMAN JANICKI, JR.

OLIVER KUPAUALI

HERBERT LOO

CLAYTON SAGUIBO

RICK PAGATPATAN

PELE LINDSEY

NOEL MORIKAWA

GEORGE AIKAI A

April 2, 2001

Mr. Bruce W. Rudeen, Esq.
Deputy Attorney General
Labor Division
425 Queen Street
Honolulu, Hawaii 96813

RE: Striping and/or Pavement Markings.

Mr. Rudeen:

With regard to the question concerning the assignment and proper classification applicable to Striping and/or Pavement Markings projects performed or to be performed within the State of Hawaii, please be advised that the following is the position of the Laborers' International Union of North America, Local 368, AFL-CIO:

1. The permanent painting and/or striping of freeways, highways, roadways, viaducts or other public surface transportation areas is the work of the Painters' classification.
2. The application of thermal striping or temporary, movable or removable forms of temporary striping or markings used on freeways, highways, roadways, viaducts or other public surface transportation areas is the work of the Painters' classification.

Thank you for your attention to this matter. Should you have any questions or require further information, please contact me at your convenience at our offices in Honolulu at 841-5877, and I shall do what I can to assist you.

Sincerely,

Benjamin Sagui
Benjamin Sagui
Business Manager/
Secretary-Treasurer

cc: Painters' Union, Loc. 1791

H F.1

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Hawaii Solar Energy Association
Serving Hawaii Since 1977

June 21, 2019

Via Email

Contractor Licensing Board of Hawaii
355 Merchant St.
Honolulu, Hawai'i 96804

Re: Request to the Contractor Licensing Board ("CLB") of Hawaii to add the comments of Hawaii Solar Energy Association ("HSEA") on the Proposed Amendments to the Hawaii Administrative Rules Chapter 16-77, Specialty Contract Classifications Rules Package proposed by the Investigative Committee of the Rules Committee Report

Dear Contractor Licensing Board Members,

By this letter, the Hawaii Solar Energy Association ("HSEA"), a 501 (c)(6) trade association representing 95% of the solar installers, contractors, developers, distributors, inspectors, and financiers of solar energy systems and products in Hawaii, wish to submit the following comments on the CLB's proposed amendments to HAR Chapter 16-77, Specialty Classifications Rules Package. The HSEA focuses these comments specifically on the redline amendments proposed regarding the C-13 and C-60 contractor licensing provisions. We believe that these proposed amendments, if adopted, will negatively impact the solar industry at large, increase the cost to both contractors and customers to install solar across the state, and slow state's goals towards 100% renewable energy.

The HSEA was founded in 1977 to further solar energy and related arts, sciences and technologies with concern for the ecologic, social and economic fabric of the Hawaiian Islands. Our membership includes the vast majority of locally owned and operated solar installers, contractors, distributors, manufacturers, and inspectors across all islands. The HSEA has previously submitted comments on similar proposed amendments to HAR Chap. 16-77 in October of 2014.¹

The basis of these comments are threefold:

¹ See BOARD OF ELECTRICIANS AND PLUMBERS, Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs, State of Hawaii, MINUTES OF MEETING, Tuesday, December 16, 2014, Pages 5-7

P.O. Box 37070 Honolulu, Hawaii 96837
SOLAR HOTLINE (808)232-8371

JUN 27 2019



Hawaii Solar Energy Association
Serving Hawaii Since 1977

1. The proposed amendments under the C-60 designation severely limit the capabilities or utility of a C-60 contractor and are not based on currently available technology.
2. The proposed amendments as written essentially eliminate the purpose of a C-60 license, negatively impacting a majority of solar contractors and raising the cost to install solar and,
3. The proposed amendments will slow state's progress towards 100% renewable energy by increasing the cost and time to install a solar system in Hawaii.

The Proposed Amendments are not Reflective of Currently Available Technology

Page 25 of the CLB's proposed amendments recommend the following redline edits:

C-60 Solar power systems contractor. To assemble and install photovoltaic panels, batteries, controls, monitoring systems, and related low voltage D.C. wiring; provided that this shall not include the installation of any conduit, electrical wiring, electrical connections, or grounding and bonding. Work includes anchor points that have pre-engineered sealing systems;

In 2014, a similar amendment was proposed that attempted to prevent C-60 licensed contractors from installing WEEBs or other types of grounding equipment that was not consistent with technology available at the time. Solar system technology has improved and streamlined since then, and today most installed solar system have integrated grounding technology that allow an array to be grounded without WEEBs (using a single ground lug) from the rail to an appropriately installed ground-driven grounding rod. Most racking systems installed today comply with UL 2703 regarding integrated grounding with a rail or racking system.² This reduces the cost and complexity of installation by reducing the amount of parts and labor needed to properly install and ground a solar system to standard.

Additionally, as pointed out in the 2014 meeting minutes reference above, almost all solar systems installed today include "touch safe" factory approved, UL listed (or equivalent) wire connections. These proposed amendments also included conduit or electrical wiring module to module, or module to inverter, and do not clearly delineate between standard pulled wires or UL listed "touch safe" wires. As systems use both module level micro inverters or array level string inverters, or hybrid inverters with optimizers, this amendment would potentially include all of these parts and prevent a C-60 from installing any of these types of

² See, for instance, the IronRidge Integrated Grounding System here: http://files.ironridge.com/pitched-roof-mounting/resources/brochures/UFO_Family_Tech_Brief.pdf

JUN 27 2019



Hawaii Solar Energy Association
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"touch safe" components. This is the equivalent of requiring a C-13 contractor to plug in an extension cord at your house, and further clarification is needed.

Thus, the effect of this amendments would be that any C-60 licensed contractor would not even be able to install a module directly to a rail or connect depowered modules to each other on a roof. The C-60 license is a specialized solar contractor license built *specifically* for contractors to install photovoltaic modules, batteries, and related balance of system equipment.

As such, these contractors who qualify for the C-60 license are a highly specialized and experienced individuals in the installation and operation of these types of systems. Furthermore, system component manufacturers themselves strive to create less complex or labor intensive systems and *actively engage* the Hawaii-based C-60 contractors in various training and technical supports on the installations, operations, and maintenance of these products.

Most solar installations today do not require a C-13 contractor for several phases of the installation, and C-60 licensed contractors are uniquely positioned because of their interaction with the wider solar industry on a frequent basis, and the ability to understand and complete a proper and safe installation of any type of solar or related equipment in Hawaii. The C-60 license has been and continues to be an appropriate and sufficient license designation of this type of work.

Thus, the HSEA OPPOSES the above redline amendments and instead offers the following:

C-60 Solar power systems contractor. To assemble and install photovoltaic panels, batteries, controls, monitoring systems, factory molded cord-capped wires, anchor points that have pre-engineered sealing systems, and related low voltage D.C. wiring; provided that this shall not include the installation of any conduit, electrical wiring, electrical connections, electrical splices, or field-installed grounding and bonding. Work includes anchor points that have pre-engineered sealing systems;

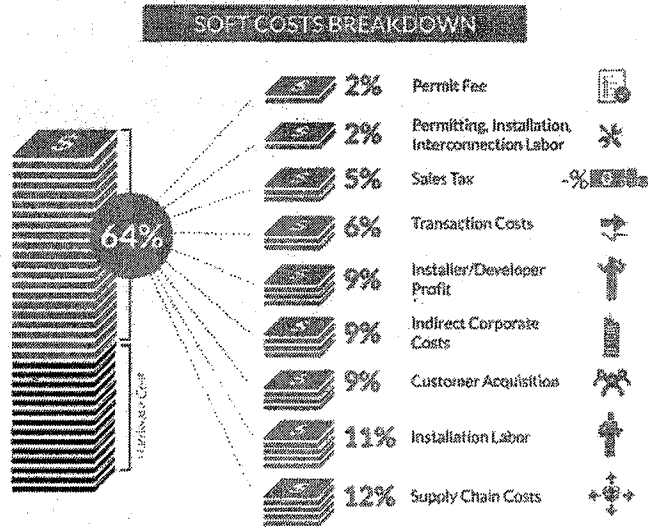
The Proposed Amendments Increase the Cost to Install Solar

JUN 27 2019



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One of the most effective ways to reduce the cost of going solar is to reduce the various soft costs associated with a solar installation. As component pricing continues to reach historic lows³, the burden to lower other soft costs such as permitting, marketing, and installation costs becomes a priority. According to the Department of Energy's 2015 study on Costs for Solar, 64% of the cost of a solar system are soft costs listed in the image on the right.⁴ In Honolulu, the average end-user residential cost for solar was approximately \$4.87/watt in 2018. This includes all of these soft costs as well as energy storage devices.



By essentially eliminating the C-60 license designation, most solar contractors will be required to retain additional C-13 contractors, changing the value proposition for the contracting company and negatively impacting the cost/watt price. This will likely raise the installed cost of a solar system, and this was reported in 2013-2014 when similar amendments were proposed.⁵ Increasing the cost slows adoption, lowers the ability of low-middle income ("LMI") residents to adopt solar, and ultimately slows the progress toward a 100% renewable portfolio standard by 2045.

A good example of this are Community Based Renewable Energy Projects ("CBREs"). CBREs are a way for renters and LMI residents to realize the benefits of a solar system without needing to have a roof or own a home. Because of the relatively slim margins under which these projects are developed, combined with the increased risk of development, cost/watt becomes an important factor in successful development of CBRE projects. By eliminating lower cost C-60 labor and replacing it with higher cost C-13 labor, fewer CBRE projects will likely be built, further exacerbating or failing to solve the problem of renters and LMI access to solar resources.

³ <https://www.nrel.gov/docs/fy19osti/72399.pdf>

⁴ <https://www.energy.gov/eere/articles/soft-costs-101-key-achieving-cheaper-solar-energy>

⁵ <https://www.bizjournals.com/pacific/blog/2013/08/contractor-rule-change-could-boost.html>



Hawaii Solar Energy Association
Serving Hawaii Since 1977

It is the goal of the HSEA to advocate for low cost, professional, and safe installation of solar energy devices across the state. We hope that our proposed amendments to the C-60 contractor license designation are adopted. Feel free to contact us at wgiese@hsea.org or by phone at 808-232-8371.

Best Regards,

Will Giese
Executive Director
HAWAII SOLAR ENERGY ASSOCIATION

JUN 27 2019