

From: [Sunset Advisory Commission](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, November 19, 2018 8:05:00 AM

-----Original Message-----

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Sunday, November 18, 2018 7:39 AM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS STATE BOARD PLUMBING EXAMINERS

First Name: STEVEN

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City: NEW BRAUNFELS

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or
Opposed:
11/14/18

To:
Sunset Advisory Commission
PO Box 13066
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From:
Steven Digges
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I am writing to you today in hopes that you will consider not letting the Texas Department of Licensing and Regulation (TDLR) take over the tasks of the Texas State Board of Plumbing Examiners (TSBPE).

The Sunset Report states the following:

Issue 1 The Texas Department of Licensing and Regulation Could More Effectively Regulate Plumbers. Regulation of plumbing continues to be critical for the health and safety of Texans by ensuring installation, repair, and maintenance of plumbing infrastructure is only performed by qualified plumbers and inspectors. However, the independent plumbing board is struggling to meet the demand from licensees and the public. Sunset staff found the board and agency leadership have not responded effectively to problems within their control to fix, and have made

changes without considering the bigger picture, misplacing efforts and resources without fully addressing core issues.

Key Recommendation • Transfer the regulation of plumbers to TDLR, and reconstitute the independent plumbing board as an advisory board.

In response to issue 1, I find the board's recommendations as morose to say the least that any one person can be blamed for the lack of demand for more plumbers. While I agree up to a point with The Commission that we need more plumbers, it is my opinion that The Commission has failed to define the real reason for this issue. The reason we are short on plumbers and apprentices is because someone inside the Board of Education (BOE) has put it into the heads of millennials that the only way to be successful in life is to attend college. The BOE has taken trades out of schools and have demanded that all their children will at least attempt college. In New Braunfels, we have already commenced. The New Braunfels Home Builders Association (NBHBA) and Comal Independent School District (CISD) has started a construction science class at Canyon High School. The starting class has twelve (12) students in it and they are already placed with local businesses in New Braunfels. The students receive a half day of education and then they arrive at the employer's jobsite that the student is assigned to and complete their training. Four (4) local plumbers, I included myself in this, have hired four (4) of these students. This may pale in comparison to what is needed in our field, but after having gone through a multitude of apprentices, this has been the most successful. It is successful because they have an educator at Canyon High School that are teaching people how to work with their hands and are instilling in these kids that hard work pays off. The class, even in its infancy, is already successful because twenty-one (21) children have signed up for the class next year. My recommendation is we as a State do everything in our power to instill the importance of putting trades back into public schools.

Issue 2 Overregulation and Complex Licensure Requirements Inhibit Entry Into and Growth in the Plumbing Industry. Several aspects of the agency's licensing processes create needless barriers to becoming a plumber or advancing in careers. For example, apprentice registrations and supervision requirements for entry level plumbers put unnecessary burdens on the industry without clear benefit. Further, outdated exams and their administration have resulted in an unprecedented backlog — with wait times of up to eight months — that keeps plumbers from advancing in their careers, and overregulated continuing education increases costs for licensees. Sunset staff also found opportunities to modernize the regulation of plumbing contractors. **Key Recommendations •** Eliminate the responsible master plumber designation and create a plumbing contractor license. • Eliminate the separate drain cleaner-restricted, drain cleaner, and residential utilities installer registrations. 3 Texas State Board of Plumbing Examiners Staff Report Executive Summary Sunset Advisory Commission November 2018 • Remove statutory requirements for direct supervision and authorize the board to determine supervision requirements for specific tasks in rule. • Authorize the board to outsource the creation and administration of its exams, and direct the board to revise its exams to eliminate practical components.

My question to the Commission is why anyone would not want the most qualified plumber coming into your house. I take what the Commission is stating as disrespectful. I view my plumbing license as a four-year degree and I view my masters license as my master's degree and I am willing to put my credentials next to anyone's on the Commission and I guarantee that I will come out on top. These tests are supposed to be hard because we protect the property and health of the State. If you were to call me for plumbing service, I must send you the most qualified and responsible plumber to insure your safety is met. There is truth in the statement "You get what they pay for", so please ask yourself to whose benefit does it behoove? I do not know if the Commission is aware of what is going on in the plumbing trade, but I can tell you that we are already competing with bootleggers that do not have a license or insurance and are selling a product to a customer for far cheaper than I can at great risk to the general public. How am I supposed to compete against people who break the law? By eliminating the responsible master plumber, the Commission is leaving the general public without any discourse should something go wrong. I also find the Commission's statement about the plumbing test being outdated as reprehensible and without merit. I still teach and use every aspect of what was on both of my plumbing tests. My recommendation is that the tradesman, separate drain cleaner-restricted, drain cleaner, and residential utility installer license and return to the Master Plumber and Journeyman Plumber test. My recommendation for anyone that has taken a test that is not a Journeyman is that they have their time in trade applied toward their Journeyman test. As I stated, this is my four-year degree and should be approached as such to anyone who wishes to become a plumber. I would appreciate the Commission in giving me the same respect as someone who pursued a bachelor's degree.

Issue 3 Inefficient Enforcement Processes Hinder Effective Public Protection and Fair Treatment of Licensees. In reviewing the agency's enforcement functions, the review found certain processes do not match model standards or common practices observed through Sunset staff's experience in reviewing regulatory agencies. For example,

inefficient and unnecessary aspects of the agency's complaint resolution processes, including a cumbersome statutory enforcement committee, risk fair and timely enforcement action. The agency's unfocused enforcement efforts and a lack of easily accessible disciplinary information further inhibit the agency's ability to protect the public effectively and transparently. Key Recommendations • Repeal the statutory enforcement committee. • Direct the agency to adopt a risk-based approach to investigations in rule, focusing on higher risk complaints first before other lower risk activities, such as jobsite compliance checks. • Direct the agency to use informal settlement conferences in appropriate circumstances and better document its use of this tool. • Direct the agency to publish disciplinary histories online.

There are 28.3 million people in Texas. The State Board has nine (9) positions for State Inspector and of the nine, only seven (7) are filled. How can anyone be efficient when the ratio of inspectors to residents of Texas is 1 to 4042857? If this number says anything it is that we do not have enough inspectors. Why I bring this up reverts to my point of the bootleggers that are doing business without the proper license and insurance and are creating these issues. Of the complaints filed I think it would benefit us all if the Commission gave a report of all complaints filed that have no recourse do to the fact that the customer did not hire a responsible master plumber. If the Commission is going to hire more inspectors to enforce the rules, we already have on the books then they would do everything in the Commissions power to make sure the State had the funding to hire enough inspectors and put them out in the field to stop the unlicensed people who break the law. As a responsible master plumber, I have no fear from my State when they walk on my job. I have nothing to fear because I follow the laws that the State of Texas required for me to be in business. What I do fear, if this is allowed, is drinking water in a public place because the plumber that installed it did not have a license.

I am not trying to single anyone out, I think it is important for anyone to realize just exactly what it is that we do.

Thanks and Gig' Em,
Steven Digges
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Any Alternative or New Recommendations on This Agency: Please be very careful about what is done with the Plumbing Board.

My Comment Will Be Made Public: I agree