

SPECIAL MEETING OF THE BOARD OF EXAMINERS OF ELECTRICAL
CONTRACTORS (PUBLIC SESSION) - - - FEBRUARY 18, 2015

The Board Minutes of February 18, 2015, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of March 4, 2015, or soon thereafter as it may be considered. All requirements of the "Open Public Meetings Act" have been complied with according to N.J.S.A. 10:4-6.

The notice of the meeting has been mailed to the Newark Star Ledger, Camden Courier Post, and the Trenton Times, and also notice has been posted on the Bulletin Board at the office of the Secretary of State, Trenton, New Jersey.

Board meeting of February 18, 2015, was called to order at 9:00 A.M.
The following members were present:

Mr. James H. Flaherty
Mr. Gino Pasqualone

The following members participated by telephone.

Mr. Joseph P. Schooley, Chairman
Mr. Joseph F. Cantalupo
Mr. Constantinos Papademas
Mr. Arthur W. Jacobs, Sr.

Ms. Susan C. Michielli was absent.

Also in attendance were:

Sharon Joyce, Assistant Attorney General, Division of Law
Kim Ringler, Deputy Director, Division of Consumer Affairs
Maryann Sheehan, Regulatory Affairs, Director's Office
Rachel Glasgow, Regulatory Analyst, Director's Office
Paul Ray, Assistant Deputy Director, Division of Consumer Affairs
Francine Widrich, Special Assistant, Division of Consumer Affairs

David Freed, Acting Executive Director, was present from 9:00 A.M. until the close of the meeting.

Kathleen Moran, Administrative Assistant, III, was present from 9:00 until the close of the meeting.

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Marian Fiore, Senior Management Assistant, was present from 9:00 A.M. until the close of the meeting.

Joseph Donofrio, Deputy Attorney General, Division of Law, was present from 9:00 A.M. until the close of the meeting.

Also in attendance were Wyatt Earp, International Brotherhood of Electrical Workers; Miriam Ramierez, Assistant Executive Director, National Electrical Contractors Association; Dan Gumble and Warren M. Becker, International Brotherhood of Electrical Workers; Robert Shimk, International Brotherhood of Electrical Workers, Local Union No. 400; and Ian Leonard and William Hosey, International Brotherhood of Electrical Workers, Local Union No. 351.

The Board saluted the Flag.

Mr. Schooley stated this special meeting was called to discuss the Board's rules and regulations which will Sunset on February 19, 2015.

Ms. Ringler also stated because she has never had an electrical contracting case she would like to take a moment to introduce herself to the Board. Ms. Ringler stated that she has worked in the private sector and has also been in public service for 17 years and hopes to bring her own experience to the table.

Ms. Ringler further stated she respects each Board member for their commitment and mission to minimize risk and deal with safety issues.

Ms. Ringler stated there are a couple of routes available to us as we move forward with whatever the Board decides. The regulations are due to expire tomorrow; however, there may be a couple of different scenarios possible so that the Board will not face chaos and confusion.

Ms. Ringler also stated she is asking the Board most respectfully to adopt the regulations as proposed, but not include the proposed language in N.J.A.C. 13:31-8.1, N.J.A.C. 13:31-4.3 and N.J.A.C. 13:31-4.1. Thereby allowing an opportunity for public comments so that all the interested parties could be heard. Letting the regulations expire would be a disservice to all.

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DAG Donofrio asked if there were any comments from the public.

Warren Becker, Safety Coordinator for the International Brotherhood of Electrical Workers, Local 164, stated upon consideration of the proposed changes to the training requirements sought for Solar Photovoltaic installations, LED lighting installations as well as the minimum voltage requirement for licensing, he hopes to draw attention to the fact that these proposed changes bring significant safety considerations that need to be taken into account in any decision to change anything regarding the level of qualifications required to perform electrical work. Mr. Becker also stated the proposed changes could potentially expose untrained, unknowledgeable, workers to electrical hazards which they may be ill equipped to protect themselves from. The issue at hand is the safety of any worker exposed to the hazards of electricity.

Mr. Becker further stated as everyone knows, the National Electrical Code covers the installation of electrical conductors, equipment and raceways; signaling and communications conductors, equipment and raceways and optical fiber cables and raceways for public and private premises, yards, lots, parking lots, carnivals and industrial substations; conductors and equipment that connect to the supply of electricity as well as support installations used by electric utilities not an integral part of a generating plant. The National Electrical Code makes several references to the necessity of protecting unqualified persons to the inherent hazards of electricity by only allowing qualified, trained, people access to energized parts. Article 100 of the National Electrical Code defines Qualified Person and uses the term multiples times throughout many articles including Article 690 Solar Photovoltaic Systems. Also under the definition it carries an informational note referring the reader to "NFPA 70E Standard for Electrical Safety in the Workplace" for the requisite electrical safety-training experience.

Mr. Becker further stated NFPA 70E - Article 110.2 (a, b, c, d and e) explicitly spells out specific training requirements regarding safety training, type of training, emergency procedures, employee training and training documentation including defining both qualified and unqualified persons. NFPA 70E training is specific and detailed in nature and not something that is commonly offered to other than qualified electricians. In fact, it is one of the aspects of training that makes an electrician qualified to work on these systems.

Mr. Becker stated while NFPA 70E is informational in nature, it is specifically referenced in the National Electrical Code, Article 100, as the standard to meet for electrical safety training and thus can be deemed to be a requirement through that reference. Solar PV arrays can generate up to 600 volts DC when connected and in sunlight. LED luminaires, while low-voltage on the secondary side of the

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transformer, are connected to premises wiring that is a minimum of 120 volts but commonly 277 or 480 volts depending on the application and location. Telecommunications workers are seldomly trained in working with voltages higher than those found on communication circuits and raising the threshold to 100 volts could potentially expose them to shock hazards or worse.

Mr. Becker also stated the risks associated with exposed energized electrical parts are significant and require those who work on or near them to be trained in the necessary procedures and to use the safety equipment necessary to work safely around the kind of energy that is most certainly present in the systems we are speaking about today.

Mr. Becker further stated the people best suited to work safely on these systems are well-trained, well-qualified electricians.

Mr. Earp stated only qualified electricians know how to make the installation safe for the consumer.

Ms. Ramirez stated we would like to support the photovoltaic and LED amendment proposed by the Board. Ms. Ramirez also stated the language proposed in the telecommunications regulation should not be changed as the current wiring exemption is clear. Ms. Ramirez further stated the association supports the work the Board is doing.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Gino Pasqualone, and unanimously passed, to go into Executive Closed Session to receive advice of counsel.

After discussion in Closed Session, the Board returned to Public Session.

Mr. Schooley asked whether or not there were any additional comments regarding this matter.

Mr. Earp stated the Board has done a great job and encourages it to continue with the language proposed.

Ms. Ringler stated as a matter of clarification there are two options for this Board to take; adopt the language as proposed whereby all regulations will expire and the Board will have no regulated structure or adopt the proposed regulations and hold up N.J.A.C. 13:31-4.1; 4.3 and 8.1.

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Mr. Earp asked whether or not the regulations will expire if the governor's office does not sign off?

DAG Donofrio stated the Board can propose the regulations with the amendments, in which case the regulations may not be signed off by the governor, or the Board can adopt the regulations and hold in abeyance the three amendments.

Mr. Earp stated for clarification, the Board can vote to approve the proposed regulations and it would be the governor who would then not sign to approve same.

DAG Donofrio stated if the Board votes to move forward, with the three proposals included in Sunset, and the governor does not sign, the regulations will expire.

Mr. Earp asked whether or not the Board would cease to exist?

DAG Donofrio stated the Board would base its practice on the Statutes.

Mr. Earp asked whether or not the governor has said he will not sign off.

AAG Joyce stated the governor has not signed the regulation packet. AAG Joyce also stated we are seeking a middle ground so that the Board can continue without the three proposed amendments.

Ms. Ringler stated council has indicated that the Board would be in a better position to articulate its' position. Because we have only had comments against the proposed amendment, it appears the Board may be self protecting. Therefore, we are asking the Board to take this route so that it does not have total absence of its' regulations.

Ms. Ringler also stated should the regulations expire, business will not continue as usual. The examination fee would be reduced to \$15.00; the Board would not be able to hire a testing company for that fee.

Mr. Schooley thanked everyone for their comments and requested a motion.

Motion made by Mr. Constantinos Papademas and seconded by Mr. James H. Flaherty, and unanimously passed, that the proposed regulations be submitted as amended including N.J.A.C. 13:31-8.1, N.J.A.C. 13:31-4.3 and N.J.A.C. 13:31-4.1.

Mr. Flaherty stated this Board has followed the procedures of sunset every seven years with the support of staff. Mr. Flaherty also stated it is his belief that every amended regulation is supported by the statute and not one violates the statute.

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Mr. Flaherty also stated photovoltaic installation did not exist in 1967; this Board continually proposes language to clarify the statutes in this every changing industry. Mr. Flaherty further stated the Board even provided clarification, which was published in the Construction Code Communicator, regarding its position that the installation of photovoltaic solar panels must be installed by a licensed electrical contractor as the work performed exceeds ten volts. Mr. Flaherty stated he cannot understand the logic of the governor's office as the language in the proposal is driven by the Statute.

Roll call vote on the motion to affirm the adoption of the proposed regulations, not holding in reserve for re-consideration, N.J.A.C. 13:31-8.1, N.J.A.C. 13:31-4.3 and N.J.A.C. 13:31-4.1.

Mr. Joseph F. Cantalupo	- yes
Mr. Joseph P. Schooley	- yes
Mr. James H. Flaherty	- yes
Mr. Gino Pasqualone	- yes
Mr. Constantinos Papademas	- yes
Mr. Arthur W. Jacobs, Sr.	- yes

Meeting adjourned at 12:00 Noon

An Appointment and Business Meeting is scheduled for Wednesday, March 4, 2015, at 9:00 A.M.

Respectfully submitted,

David Freed
Acting Executive Director