

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES  
LABOR RELATIONS & PROFESSIONAL LICENSURE COMMITTEES

\* \* \* \* \*

JOINT PUBLIC HEARING  
IN RE: LICENSURE OF CONSTRUCTION TRADES  
& CONSUMER PROTECTION

\* \* \* \* \*

BEFORE: MICHAEL STURLA, Majority Chairman  
WILLIAM F. ADOLPH, Minority Chairman  
Marc Gergely, Keith Gillespie, Patrick  
Harkins, Susan Helm, Thomas Killion, Daryl  
Metcalf, Mark Mustio, Stan Saylor, Frank  
Andrews Shimkus, Timothy Solobay, Richard  
Stevenson, Tom Yewcic and John Yudichak,  
Members

HEARING: Tuesday, July 22, 2008  
Commencing at 2:00 p.m.

LOCATION: Radnor Township Municipal Building  
301 Iven Avenue  
Wayne, PA

WITNESSES: Pat Gillespie, Wayne Miller, Tony Lusi,  
Gregg Rogers, Frank Sirianni, Nick Bradley,  
Christopher Dion, Joe Pierce, Walt  
Krzyzanowski and Joel Oliva

Reporter: Gina Brower

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## P R O C E E D I N G S

CHAIRMAN STURLA:

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3  
4 I'd like to call this joint meeting of  
5 the House Professional Licensure Committee and the  
6 Labor Relations Committee meeting to order. I'll make  
7 a few comments and then turn it over to Chairman  
8 Adolph, and then I think Representative Shimkus wants  
9 to make some comments from the Labor Relations  
10 Committee, also.

11 We have been talking for quite a while  
12 about licensing of building trades in the State of  
13 Pennsylvania, and in some cases, for perhaps too long  
14 in some areas, where we're reached points where we're  
15 not making much progress, but I think we should. And  
16 other cases where there's some new ideas about how we  
17 might license some of the building trades.

18 One of the things we want to do in this  
19 discussion, I think, is to look at how we might go  
20 about that, and how it would be structures, so we  
21 don't get halfway down the road and decide that maybe  
22 we want to go back and start over again. So this is  
23 to get some preliminary discussions and preliminary  
24 feedback from those people most affected by the  
25 potential licensing of building trades in the State of

1 Pennsylvania.

2                   With that, I'll turn it over to Chairman  
3 Adolph.

4                   CHAIRMAN ADOLPH:

5                   Thank you, Mr. Chairman. First of all,  
6 I'd like to thank Chairman Sturla for bringing the  
7 Professional Licensure Committee as well as the Labor  
8 Committee to Delaware County. I'd like to welcome all  
9 our testifiers and my colleagues to Delaware County,  
10 and in particular, Radnor Township. I'm going to  
11 digress a little bit. I think this is the first  
12 public hearing I've ever had in my home legislative  
13 district after serving 20 years, and it's about time.  
14 You know, every 20 years, you should get some type of  
15 hometown committee presence. So I really appreciate  
16 that.

17                   Just to tell my colleagues where you are,  
18 you're approximately five miles west of City Line  
19 Avenue, the City of Philadelphia, and about 15 miles  
20 west of Center City. Radnor Township is an old  
21 community, settled in the 1600s by a group of Quakers  
22 from Radnorshire, Wales. Okay? Bought the land from  
23 William Penn. I don't think you can get an acre of  
24 ground now for what it cost them for a thousand acres.  
25 It's really a large college town in some sense.

1 There's five universities here in town, you know, and  
2 the Pennsylvania military college, Valley Forge  
3 Military College. There's 30,000 people living in  
4 Radnor Township now. It's a First Class Township, and  
5 the building that you're sitting in is just dedicated  
6 this year, 2008, and housed in this building is the  
7 police department as well as the administration for  
8 Radnor Township.

9                   So I want to welcome everybody, and hope  
10 you enjoy your time here in Delaware County, and spend  
11 some money while you're here. It's good for the local  
12 economy. Appreciate you coming. Thank you very much.

13                   CHAIRMAN STURLA:

14                   Thank you. Representative Shimkus?

15                   REPRESENTATIVE SHIMKUS:

16                   Thank you, Mr. Chairman. It's good to be  
17 here as Majority Secretary of Labor Relations. It's  
18 our honor to be here. This is important legislation  
19 that we want to pay close attention to and listen to  
20 the testifiers. I send my regards from Chairman  
21 Belfanti, who could not be here today, but I'm glad to  
22 be here. This is kind of nostalgic, when  
23 Representative Adolph talked about that. Back in the  
24 late '70s, in a previous career, I worked on City Line  
25 Avenue for WCAU. Some of you may remember I did talk

1 radio in the days of Wally Kennedy and Frank and Mary  
2 Jelenec, and Harry Gross, and so this is not too far  
3 from where I began my broadcasting career. But it's a  
4 beautiful town. It's a beautiful facility. Important  
5 information that we're going to be hearing today. And  
6 I'm sure a lot of it will make great talk radio  
7 material, too, just to keep that in.

8                   But thank you very much, Mr. Chairman and  
9 Mr. Adolph.

10                   CHAIRMAN STURLA:

11                   Thank you. Thanks to Chairman Adolph  
12 also. Maybe we'll come back if dinner's good tonight,  
13 you know. I can guarantee you that. One of the  
14 things I also want to do is make sure all the members  
15 get a chance to introduce themselves, and we can start  
16 over here on my right, and we'll go around and have  
17 the members introduce themselves. And let people know  
18 where you're from.

19                   REPRESENTATIVE KILLION:

20                   Tom Killion, Delaware and Chester  
21 Counties.

22                   REPRESENTATIVE STEVENSON:

23                   Dick Stevenson, Mercer and Butler  
24 Counties, District 8.

25                   REPRESENTATIVE HELM:

1 Sue Helm, 104th District of Dauphin  
2 County.

3 REPRESENTATIVE SOLOBAY:

4 Tim Solobay, the 48th District in  
5 Washington County, southwestern PA.

6 REPRESENTATIVE MUSTIO:

7 Mark Mustio, 44th District, Allegheny  
8 County.

9 REPRESENTATIVE YEWIC:

10 Tom Yewic, Johnstown, Cambria-Somerset  
11 County area.

12 REPRESENTATIVE SHIMKUS:

13 Frank Andrews Shimkus, 113th District,  
14 Scranton-Lackawanna County.

15 REPRESENTATIVE HARKINS:

16 Pat Harkins, 1st District, up in Erie.

17 CHAIRMAN STURLA:

18 And I neglected to introduce myself. I'm  
19 Representative Sturla from Lancaster.

20 The first person to testify for us is Pat  
21 Gillespie, President of the Philadelphia Building and  
22 Construction Trades Council. I will remind all the  
23 testifiers that we must be out of here by 5:00 p.m.,  
24 so I'm asking that testifiers keep their remarks to  
25 the time frame that we have, so that members get a

1 chance to ask questions. You can either stand or you  
2 can be seated, either way, but that podium doesn't  
3 move, and that's where our microphone is.

4 So with that, Mr. Gillespie?

5 MR. GILLESPIE:

6 Thank you. I have to correct the record.  
7 I'm the business manager of the Philadelphia Building  
8 Trades Council. That's the paying job, so it's kind  
9 of important.

10 I am awed and humbled coming here with  
11 this joint committee of the House. It's an impressive  
12 group, and it's a very serious topic. Initially  
13 representing people who work for wages, and having  
14 their privacy and their security in mind as one of our  
15 main predicates, you wouldn't want the intrusion of  
16 government some kind of Orwellian, getting everyone  
17 registered, getting everyone identified. However, our  
18 world change since 9/11 and people have to be  
19 identified and people have to be certified, to make  
20 sure they are who they say they are. State law  
21 reflects this in a number of instances. In the school  
22 codes, people have to be of a certain character before  
23 they're allowed to work --- have to have a certain  
24 character before they're allowed to work on a  
25 construction project in the State of Pennsylvania, on



1 a school project.

2                   We spend an awful lot of time and effort  
3 and money training future construction workers,  
4 training other people's children, quite honestly, to  
5 become sheet metal workers, and pipefitters and  
6 plumbers and electricians and laborers. And I think  
7 it's important that they are identified.

8                   Anyway, so I applaud you. We have had a  
9 number of initiatives about getting licenses and what  
10 not before the state, because it should be a state-  
11 wide initiative. You know, Philadelphia shouldn't be  
12 any different than out here in Tobacco Row in Radnor  
13 Township. I mean, it should all be the same. People  
14 are qualified. The operating engineer spends an awful  
15 lot of time and money training his people to be good  
16 crane operators. So they should come forward and say,  
17 yeah, here's the test, take the test. Fine. I think  
18 that should be positive with the state to be the way  
19 PennDOT does cars. I mean you have people who are  
20 unlicensed running tower cranes in the City of  
21 Philadelphia. Think about that for a minute. God  
22 bless us, and thanks to people like Tony Lusi and what  
23 not, who's going to testify later on, they pay  
24 attention to that, but this should be a law. There  
25 should be a requirement that says you have to have a

1 certain kind of training. You have to have certain  
2 skills, before you go and do this work, and you have  
3 to prove that you have that.

4 I know we in the union end of the  
5 business, we're willing and able to come forward with  
6 those kinds of certifications and those kinds of  
7 testing. So we don't have a problem doing that. And  
8 given the influx of undocumented workers that we have  
9 now invading Pennsylvania, it would be prudent for the  
10 legislature to move in that direction.

11 So that ends my testimony. Thank you  
12 very much. If anybody has any questions, I'll try to  
13 answer them.

14 CHAIRMAN STURLA:

15 Questions from members?

16 CHAIRMAN ADOLPH:

17 I have a question.

18 CHAIRMAN STURLA:

19 Representative Adolph?

20 CHAIRMAN ADOLPH:

21 Mr. Gillespie, first of all, thank you  
22 for testifying. I guess, how would the public be  
23 better served by state licensing rather than local  
24 licensing?

25 MR. GILLESPIE:

1           That's a dicey preposition, because ---  
2 they would be better served, because you'd have  
3 uniformity. And you know, here you are in this  
4 monument to local government here in Radnor Township,  
5 and you don't want to say anything against local  
6 government, and local government could want to set  
7 prudent rules, and I would think with a good dialogue  
8 and good lines of communication between the local  
9 governments and the state government, you could get  
10 that.

11           For instance, if Erie --- Erie would  
12 probably want something, don't mess around with  
13 Presque Isle. Or make sure when you work over there  
14 you're cognizant of the importance of that. And each  
15 local community would want some kind of nuance in the  
16 codes to make sure that they're recognized and their  
17 interests are protected. Well, that's what state  
18 legislators do. You could do that easily through  
19 communications between Radnor Township and the state  
20 government.

21           The advantage is you'd have uniformity.  
22 You'd know what the credentials are, and --- for  
23 instance you don't think about it, but you take the  
24 sheet metal worker, for instance. They know how to  
25 balance these buildings. You can't open a window

1 anymore. They have to make sure filtration systems  
2 are correct, or people's health is at stake. So you  
3 want to make sure that that system is installed  
4 properly with the technicians who know how to install  
5 it. That's what the sheet metal workers do. And it  
6 goes all the way through, the sprinkler fitters, and  
7 the other trades.

8 CHAIRMAN ADOLPH:

9 Thank you very much.

10 MR. GILLESPIE:

11 You're welcome. Thank you.

12 CHAIRMAN STURLA:

13 If I could, I'm going to ask you the same  
14 question I'll ask everyone else. One of the question  
15 that we are grappling with right now is, we have a  
16 crane operators bill that we got through the House and  
17 is over in the Senate, but if we're looking at ---.

18 MR. GILLESPIE:

19 Why is it stopped in the Senate? Do you  
20 know?

21 CHAIRMAN STURLA:

22 I don't know.

23 MR. GILLESPIE:

24 I do. I'll put it on the record.

25 Politics. A certain powerful state Senator wants it

1 stopped because he has another agenda, and he's ---  
2 every piece that he tries to leverage. I mean, here's  
3 a great idea, and people put an awful lot of work into  
4 that bill, and got compromises from the industry, both  
5 union and non-union. I mean Tony and those guys  
6 worked hellaciously to get that done, and it's bogged  
7 down now because of some capricious actions of the  
8 other body, which I know you guys all respect.

9 CHAIRMAN STURLA:

10 The question I have, though, deals with  
11 how we do licensing. Do we do a separate licensing  
12 board for crane operators, and do we do a separate  
13 licensing board for electricians and a separate one  
14 for plumbers and a separate one for carpenters and a  
15 separate one for general contractors and a separate one  
16 for drywallers, and a separate one for --- or do we do  
17 a, if you will, a master trades board that has all  
18 those trades represented on it, similar to what we do  
19 with the medical board, that has, you know, a host of  
20 medical professions underneath that medical board? Do  
21 you have any ideas, or do you care to offer or venture  
22 an opinion?

23 MR. GILLESPIE:

24 I would think you'd want to design it the  
25 way you could be the most efficient, and the most ---

1 you know --- because you don't want --- you don't want  
2 another --- and not that those licensing agencies are  
3 bureaucratic, but you don't want to burden some --- we  
4 have in place well-credentialed people who can come  
5 forward and say, this is the test. These people passed  
6 this test. Here's the marking on the test. They became  
7 a journeyman in the craft. Okay? And it should  
8 incorporate that kind of certification. I don't know  
9 what the non-union group does. I imagine they have to  
10 do something, because they have to pay people. So  
11 they have to have some kind of requirement. But the  
12 state should control it and should get input from  
13 everyone in putting this governing board or licensing  
14 board together, I would think.

15 CHAIRMAN STURLA:

16 All right.

17 MR. GILLESPIE:

18 All right. Thank you. Thank you all for  
19 your time, and I hope you enjoy Radnor Township.  
20 There's a lot of great restaurants here, but if you  
21 want a really --- go down South Philly and eat.

22 CHAIRMAN STURLA:

23 Next on the agenda is Wayne Miller,  
24 business manager for the Sprinkler Fitters Local 692.  
25 While he's coming up here, I'll also note that we've

1 been joined by Representative Gillespie and  
2 Representative Saylor.

3 MR. MILLER:

4 Good afternoon. Thanks for having me  
5 here. One of the reasons I'm here Pat and Vickie  
6 Dileo (phonetic) asked me to come and testify. I have  
7 a licensing law already in place in the City of  
8 Philadelphia. And my territory also takes  
9 Pennsylvania and New Jersey, and I have a licensing  
10 law in the State of New Jersey pending.

11 I don't know all the ins and outs that  
12 you guys are looking for, but I'll tell you what I  
13 have and you can decipher from there. And I know a  
14 lot of times, Representatives like to know what other  
15 states do. So if you have my briefing book, it'll  
16 show you all the licensing laws throughout the United  
17 States for all the different types of crafts. And if  
18 you go to the back --- these are just state laws ---  
19 you have the plumbers and what their qualifications  
20 are. You have the HVAC and Refrigeration Mechanics.  
21 You have the Sprinkler fitters, which is what I do.  
22 I'm not listed here because I have a City license  
23 instead of a state license.

24 One of my problems is, going for a state  
25 license is that, I think that you guys might get too

1 much politically involved and you water down the bill  
2 and I'd rather have no bill than have one that's  
3 watered down and gives credibility to people that  
4 shouldn't be doing the work.

5           Just to go over in my briefing  
6 information, it tells you what the benefits are for a  
7 licensing law. And I'm not going to read every single  
8 thing there. You guys can look at that. But  
9 establish solid education and experience requirements  
10 for individuals who work in the sprinkler industry.

11           You got to understand something about the  
12 sprinkler systems, and everybody else has the same  
13 points of view. But with the sprinkler systems, you  
14 only get one shot. If you don't do it right, then you  
15 have a problem. Okay? So the thing is, you need  
16 qualified people to install that.

17           Now, I'm sure one of your questions I'm  
18 going to answer probably for you sooner, you'll say,  
19 well, your contractors are licensed. Yes, they are.  
20 And that's a good thing. But they're not licensed  
21 with the state. They're licensed in municipalities.  
22 In some areas, they're licensed with the state. But  
23 the thing is, most of the time the contractors out  
24 there, they're never on the project. They do the work  
25 behind the scenes. They're the owners, partners, and



1 so forth and so on, that the installer on the job  
2 needs to be licensed. And there's a few horror  
3 stories in there about what went wrong with a few  
4 contractors who didn't live up to what they were going  
5 to do. Also, that would be dropped back on the  
6 installer.

7           Just for an example, in the City of  
8 Philadelphia, you had a contractor and installers that  
9 never hooked the sprinkler system up. They falsified  
10 records, so forth and so on. Well, if that happened  
11 with a licensing law, they'd be debarred in the City  
12 of Philadelphia from ever bidding work. So these are  
13 the things that we have to do. We have to put teeth  
14 in any type of bill that we put forth.

15           So my licensing law --- again, I only can  
16 tell you what I do --- is that when you start out to  
17 have a licensing law, first of all, you need to have  
18 the revenue to pay to have the services done, to take  
19 the pictures, to have the enforcement of the laws that  
20 are being done, so you do that in a licensing fee.

21           You have permits for apprentices, which  
22 is half of what it is for a journeyman. We charge, in  
23 the City of Philadelphia, \$150 for three years for a  
24 journeyman licensing and it's renewed every three  
25 years. We charge \$50 a year for three years --- I'm

1 sorry, \$25 a year for apprentices. And they have to  
2 be registered with an approved apprentice program.

3 Real fast, I'll go through the  
4 information what we do, so you guys have an idea. In  
5 order to put a licensing law into effect, you have a  
6 criteria.

7 And one of the criteria we would start  
8 out --- because we don't want to make this a  
9 union/non-union issue --- I know that's what people  
10 are going to say, but the thing is, for the first six  
11 months, you have to put a grace period in, that anyone  
12 who worked in the business, that can prove that they  
13 worked in the business, and worked for 10,000 hours,  
14 they would be grandfathered in as a journeyman. Then  
15 after that, for an apprenticeship program, anyone  
16 that's enrolled in an approved apprenticeship program,  
17 either with the state or federal level, are  
18 automatically --- they can receive permits to do the  
19 work. So what you have there is, you have someone  
20 that has the knowledge, okay, of working on sprinkler  
21 systems, and you also have people that are being  
22 trained to go forth in their business.

23 What happens after the first 10,000  
24 hours, and after the grandfather clause is in effect,  
25 they have six months to get all their information and

1 get their license. Then after that, what they would  
2 need in order to take the test, they would need 10,000  
3 hours of experience in the field, or they had went  
4 through an approved apprenticeship program, taking a  
5 test by the third party. A third party comes in and  
6 administers the test and it costs --- there's a fee to  
7 take that test.

8           And what that does, that shows that  
9 everyone has the knowledge in what they're doing to go  
10 forth with the sprinkler test. After that, every  
11 three years, they have to renew that. If they fail to  
12 renew that, no matter who it is, would have to take  
13 the test all over again. When an apprentice comes out  
14 of their time --- what I mean by their time is when  
15 they come out of their apprenticeship. They serve a  
16 five-year apprenticeship. When they come out of their  
17 apprenticeship program, they would have to pass the  
18 test in order to become a journeyman in Local 692. So  
19 that gives them incentive to know what they're doing.  
20 And again, five years of working under supervision, it  
21 teaches the apprentices what to do and as they go  
22 forth, they understand that.

23           You just don't --- and also, when you put  
24 a journeyman on a job, okay, you cannot put an  
25 apprentice there by himself. An apprentice must be

1 under the direction of a journeyman. And that works  
2 out fine, because you can't have someone there that  
3 doesn't know exactly what they're doing.

4           And you're going to say, why is it so  
5 different? Well, this is not a block wall. You're  
6 putting in a sprinkler system. It's a life-safety  
7 system and again, you have to be right the first time.  
8 And again, when I first started in the business ---  
9 you probably can look up there. These are sprinkler  
10 heads up here, these round white disks. But when I  
11 started in the business, there might have been, I  
12 don't know, 10 or 12 heads. But now, there's like a  
13 hundred-and-some heads, because there's all different  
14 types of heads. And you know, I guess a lot of you  
15 guys are thinking up there, you know, why do they need  
16 to be licensed for a sprinkler system? The system  
17 goes off, the water comes out. That isn't the only  
18 thing sprinkler fitters do. We work with all types of  
19 gases. We work with emulsifying systems around  
20 certain transformers. We have all types of pre-  
21 actions in different types of systems before you get  
22 water. There are dry systems. And we have systems  
23 that work on pounds of pressure. We have systems that  
24 work on ounces of pressure.

25           The thing is that --- you know, I can

1 show you some things in here where people that were  
2 not qualified --- you take the Meridian fire.  
3 Everybody knows the Meridian fire. There was a  
4 contractor that wasn't signatory to Local 692 who did  
5 that work. They have these things called pressure  
6 reducing valves. Three firemen died there, whether  
7 everybody knows that.

8                   And they have pressure reducing valves.  
9 In order to work with pressure reducing valves --- to  
10 give you a quick idea, the bottom of the building, the  
11 pressure to get the water to the top is immense. It's  
12 like 300 to 400 pounds of pressure down at the bottom.

13 So on the floors right off the bottom, you can't have  
14 a whole orifice opened up, because you couldn't be  
15 able to hold the fire hoses then. Mr. Solobay, he  
16 knows all that stuff. But the thing is, as you go up,  
17 you have to set them. Well, you know, you have to be  
18 trained on how to do these things. Well, the valves  
19 were never set. When the fire department went up  
20 there to get water, they couldn't get any water,  
21 because the orifices were closed. They were never  
22 opened and they were never actually set. Three  
23 firemen died.

24                   So you know, there's a lot of different  
25 places that you can go around and see this. My

1 opinion, sprinkler system, the most important thing in  
2 any licensing procedure is to have the installers  
3 licensed, because the thing is, it's a life-and-death  
4 situation.

5 So there's a lot more things in these  
6 briefing books. You guys can go over it. But if you  
7 have any questions, feel free to ask me, and I'll ask  
8 you guys some questions, too.

9 CHAIRMAN STURLA:

10 Questions from members? Representative  
11 Solobay?

12 REPRESENTATIVE SOLOBAY:

13 I can't resist, Wayne.

14 MR. MILLER:

15 Okay.

16 REPRESENTATIVE SOLOBAY:

17 How are we looking for September up in  
18 Minnesota? And it's not really related to the bill.  
19 It's to do with sprinkler fittings in residential  
20 homes.

21 MR. MILLER:

22 Right. Okay. Up in the ICC Code, the  
23 thing is that the homebuilders are going to have a lot  
24 of opposition to sprinklering one and two single-  
25 family homes. But we also have our issues up there.

1 We'll be --- we'll have people up there. I don't know  
2 if we'll get it a hundred percent this time, but we  
3 will get it sooner or later, because if you take a  
4 look, the homebuilders are putting in --- trying to  
5 form a committee in the state of Pennsylvania. I  
6 think it's Bill 1096.

7                   And what they're doing is, they're  
8 putting a --- stacking a committee of all people from  
9 the homebuilders, not putting anybody on the side of  
10 safety, which always happens, and they're putting in  
11 the power to amend the ICC Code. So whatever the  
12 International Code Council recommends, they have the  
13 ability to amend that right out. And if they stack  
14 the committee with all their people, then --- whether  
15 we get it passed in Minneapolis or not, it wouldn't  
16 make any difference. And it's a common thing, what  
17 they're doing, throughout the country.

18                   REPRESENTATIVE SOLOBAY:

19                   We'll get together later on if you're  
20 going to be around.

21                   CHAIRMAN STURLA:

22                   Representative Mustio?

23                   REPRESENTATIVE MUSTIO:

24                   Thank you, Mr. Chairman. Thank you for  
25 your testimony. You mentioned that Philadelphia

1 currently has licensing.

2 MR. MILLER:

3 Yes.

4 REPRESENTATIVE MUSTIO:

5 If the state implements licensing, how do  
6 you envision the licensing in Philadelphia? Do you  
7 think that continues?

8 MR. MILLER:

9 Yes, I do. I would hope it does, because  
10 the licensing law in the City of Philadelphia is the  
11 best licensing law in the country for sprinkler  
12 fitters. And you can look at Wisconsin's. You can  
13 look at Idaho. You can look at Massachusetts. You  
14 can look a lot of other places. But the law in  
15 Philadelphia really has teeth in it, and it does more  
16 than just regulate who installs sprinkler systems. To  
17 me, the law in Philadelphia is a revenue generator.  
18 Okay? Because as you all know, and you worry about  
19 the underground economy. Okay? When you don't have a  
20 licensing law, and you don't have the qualified people  
21 there, and some contractors, whether union or non-  
22 union, would bring in people and not pay them the  
23 correct rate. And when they don't pay the correct  
24 rate, you can be sure that they're not paying the City  
25 wage tax, so forth and so on. They're not having



1 their business privilege tax. And that's a fact.

2 And so a licensing law goes a lot further  
3 than regulating who puts the systems in.

4 REPRESENTATIVE MUSTIO:

5 I guess what my concern would be would be  
6 government redundancy. Why would we need regulators  
7 at the local level and regulators at the state level?

8 MR. MILLER:

9 Well, I don't know what you would do with  
10 that.

11 REPRESENTATIVE MUSTIO:

12 If the state had the law that was  
13 identical to Philadelphia's, why would we need people  
14 to regulate in the City and then also people to  
15 regulate at the state? Why couldn't we just have one  
16 person doing it?

17 MR. MILLER:

18 Whatever it would take to get it done  
19 properly would be fine. The thing is, is that the  
20 problem I even see in the City of Philadelphia is that  
21 there's not enough people to enforce the regulations,  
22 License and Inspection. Because, you know, they have  
23 to go to every project and things like that.

24 REPRESENTATIVE MUSTIO:

25 Well, I think that's another thing that

1 we need to get on the record.

2 MR. MILLER:

3 Yeah.

4 REPRESENTATIVE MUSTIO:

5 Because we pass lots of laws and then we  
6 don't enforce them. So if we were to pass a licensing  
7 law, I think that we should probably demand that it be  
8 enforced.

9 MR. MILLER:

10 Absolutely.

11 REPRESENTATIVE MUSTIO:

12 One follow-up question. Testing of  
13 sprinkler system. You mentioned that the one building  
14 that had a fire, caught fire and several firemen  
15 perished.

16 MR. MILLER:

17 The Plaza Meridian building, yes.

18 REPRESENTATIVE MUSTIO:

19 When you install a sprinkler system, is  
20 it mandatory that there be a flow test or that the  
21 sprinkler system be tested?

22 MR. MILLER:

23 Oh, yes. Yes. When you do a high rise,  
24 every floor has to be hydraulically tested to 200  
25 pounds per square inch.

1                   REPRESENTATIVE MUSTIO:

2                   So why wouldn't that pick up ---?

3                   MR. MILLER:

4                   Well, that's --- what happens is, is  
5 that's not the sprinkler system. These are hose  
6 valves. They're the risers that come up in the  
7 stairway. You ever see the big brass hose valves?  
8 Well, the thing is that they have to be set, okay, and  
9 they were not set.

10                  REPRESENTATIVE MUSTIO:

11                  And that's not part of any test of ---?

12                  MR. MILLER:

13                  Oh, that's part --- yeah, that's part of  
14 an inspection.

15                  REPRESENTATIVE MUSTIO:

16                  Is it part of an occupancy permit test?

17                  MR. MILLER:

18                  Yes, but thing is, as you know, with  
19 License and Inspection they're so short of manpower  
20 that ---.

21                  REPRESENTATIVE MUSTIO:

22                  So we have a law on the books and we're  
23 just not enforcing it.

24                  MR. MILLER:

25                  Well, the thing is, at the time, there

1 wasn't a licensing law. At the time that Meridian  
2 fire happened, there wasn't a licensing law. Now we  
3 have a licensing law. The thing is that ---.

4 REPRESENTATIVE MUSTIO:

5 But your inspection --- I'm talking about  
6 the building inspection itself, when the building gets  
7 its occupancy permit.

8 MR. MILLER:

9 Yes, sir.

10 REPRESENTATIVE MUSTIO:

11 You get a sprinkler system put in. My  
12 background is insurance, so --- if I a building, I  
13 want to make sure I'm getting a credit on my fire  
14 insurance for that sprinkler system.

15 MR. MILLER:

16 Correct.

17 REPRESENTATIVE MUSTIO:

18 So we inspect the sprinkler system. I  
19 get paperwork. I turn it in to the rating bureau, and  
20 I get a discount on my rate.

21 MR. MILLER:

22 Uh-huh (yes).

23 REPRESENTATIVE MUSTIO:

24 What part of the inspection wasn't done  
25 to cause that fire?

1                   MR. MILLER:

2                   I guess the inspection on the hose valves  
3 going up. They didn't do that.

4                   REPRESENTATIVE MUSTIO:

5                   And you're saying that's something that's  
6 supposed to be done, but wasn't done.

7                   MR. MILLER:

8                   Yes. Yes, it is. And also ---.

9                   REPRESENTATIVE MUSTIO:

10                  Even before the licensing law, it ---.

11                  MR. MILLER:

12                  As you know, as an insurance person,  
13 you're the ones that set the dial on the hose valves.  
14 You send it out to the contractor. The contractor  
15 transmits to the men in the field.

16                  REPRESENTATIVE MUSTIO:

17                  But my question to you is, that  
18 inspection was supposed to have taken place before  
19 there was a licensing law; is that correct?

20                  MR. MILLER:

21                  Yes, it was. That was ---.

22                  REPRESENTATIVE MUSTIO:

23                  And I don't want you to be misconstrued  
24 on this, the Board of Licensing.

25                  MR. MILLER:

1 Oh, yeah. Sure.

2 REPRESENTATIVE MUSTIO:

3 I just want to make sure that we don't  
4 let --- if we have a licensing law, we're already  
5 letting things pass that we already have laws for.

6 MR. MILLER:

7 Yes. That was prior to the ---.

8 REPRESENTATIVE MUSTIO:

9 My concern is what you said, let's put  
10 teeth in it. But you already have a law that has  
11 teeth, and we're still having people perish.

12 MR. MILLER:

13 But the thing is, what you got to  
14 realize, that fire happened prior to the licensing  
15 law.

16 REPRESENTATIVE MUSTIO:

17 But you still had the inspection law.

18 MR. MILLER:

19 Yes. Oh, yes. Absolutely.

20 REPRESENTATIVE MUSTIO:

21 And my point is, let's have teeth in all  
22 these things. We're here to do an exercise in  
23 futility.

24 MR. MILLER:

25 I agree.

1                   REPRESENTATIVE MUSTIO:

2                   Thank you, Mr. Chairman.

3                   CHAIRMAN STURLA:

4                   Thanks. Representative Saylor?

5                   REPRESENTATIVE SAYLOR:

6                   Thank you, Chairman Sturla. Wayne, I  
7 guess I come from a different perspective. I am a  
8 little bit different from Representative Mustio. I'm  
9 not a real believer in licensing. And for me, to  
10 license a profession --- I came from the homebuilding  
11 industry, when I worked for another builder at one  
12 time, and before I came to the legislature, I was a  
13 subcontractor in plastering and drywall. I guess  
14 you're advocating that whether you're doing  
15 residential or commercial, you need to be licensed  
16 throughout the state. Is that what you're ---?

17                   MR. MILLER:

18                   I'm saying you have to be licensed to  
19 work on a sprinkler system, yes.

20                   REPRESENTATIVE SAYLOR:

21                   Throughout the state, residential and  
22 commercial?

23                   MR. MILLER:

24                   Oh, sure. Sure. Absolutely.

25                   REPRESENTATIVE SAYLOR:

1 I guess the question gets into --- and  
2 being on Professional Licensure, every time we license  
3 somebody, the cost goes up to somebody. In this case,  
4 it's going to go up to the consumers. Right now we  
5 have, as home owners and home builders, and people who  
6 are looking to buy homes, whether it's young couples  
7 or senior citizens who are looking to downsize to  
8 maybe a two-bedroom instead of a four-bedroom, now  
9 that the children moved out, it's the cost. I mean,  
10 we're constantly hearing about housing for low-income  
11 families and everything else --- and single-family  
12 dwellings. We're not talking about apartments here in  
13 most cases.

14 MR. MILLER:

15 Sure.

16 REPRESENTATIVE SAYLOR:

17 Again, licensing is going to drive up the  
18 cost of this product to consumers, and when you start  
19 licensing --- and my question is getting to you, and I  
20 see everybody here is proposing licensing in every  
21 type of home building industry ---

22 MR. MILLER:

23 Sure.

24 REPRESENTATIVE SAYLOR:

25 --- like plumbers to whatever. We



1 haven't had any problems in central Pennsylvania with  
2 any of these things as far as somebody dying from  
3 their failure. We've had electricians stealing copper  
4 wire out of houses of other electricians right now,  
5 but we haven't had, you know, major fires because of  
6 bad wiring in new houses. We haven't had problems  
7 with any of this stuff, and for me, as a legislator  
8 from central PA, how do you convince me, in your  
9 particular profession as a licensed sprinkler fitter,  
10 that it's something I should do? How do I go to my  
11 constituents and say, well, we need to do this,  
12 without having any direct fatalities or bad  
13 contractors in this particular area?

14 MR. MILLER:

15 Well, number one is that this is a law  
16 for new work, and it doesn't mandate that anyone has  
17 to have a sprinkler system.

18 REPRESENTATIVE SAYLOR:

19 No.

20 MR. MILLER:

21 Okay? That's the major thing. And the  
22 thing is, is that it's not going back in and  
23 retrofitting buildings that are already there, but if  
24 anybody works on them buildings, and they do do that,  
25 then I would hope that they would have a licensed

1 sprinkler fitter to install that.

2           On your other part, to do any type of  
3 sprinkler work is basically the cost of installing  
4 carpet in a home or in any place. The problem that we  
5 have, and maybe you guys can help out with this  
6 because you're legislators --- take a look in the City  
7 of Philadelphia. I'll just give you an example, if  
8 they have to sprinkle a home in the City of  
9 Philadelphia, to tap --- to put a tap in to bring the  
10 water in --- costs more than the sprinkler system. So  
11 if you guys could make some type of a law that lowers  
12 the cost of these tap-in fees to do these --- to do  
13 single family homes or do high rise buildings or do  
14 boarding homes or whatever, that might help.

15           And also, if you could put a law in  
16 there that you charge --- they're charging people for  
17 stand-by water on a sprinkler system. They get  
18 charged each month for stand-by water. And they don't  
19 even use it. So if we look at these couple of  
20 different items, maybe that could help.

21                   REPRESENTATIVE SAYLOR:

22           You know, again, when I go back to my  
23 consumers --- and you're right, we're not mandating,  
24 although there's ---

25                   MR. MILLER:

1 Right.

2 REPRESENTATIVE SAYLOR:

3 --- discussions when we passed the UCC  
4 code whether we mandate sprinkler systems in housing,  
5 and I think we made the right decision in not  
6 mandating them in single-family homes. While I  
7 believe that if you have the money, it surely would be  
8 a good idea to do it.

9 MR. MILLER:

10 Sure.

11 REPRESENTATIVE SAYLOR:

12 Don't get me wrong. It's just that the  
13 cost of housing today, although right now we're going  
14 through a housing market when it's a great time to be  
15 buying in a number of places in this country, but it  
16 still comes down to the cost to consumers. And as you  
17 license electricians, you license your profession and  
18 all the other professions that are here today to talk  
19 about licensing, you still have to go back --- and  
20 people who are getting licenses still have to be able  
21 to afford those homes that they're being licensed to  
22 do. And that's what I'm hearing from them, whether  
23 union or non-union electricians, whatever. I don't  
24 hear from a lot of sprinkler outfitters as such, but  
25 when I talk to these people, they're having problems

1 paying their mortgage as it is, and we're talking  
2 about licensing, which we always see --- I mean I  
3 haven't seen a time when we haven't licensed any group  
4 of individuals, that the price hasn't gone up, the  
5 cost hasn't gone up. And that is the question  
6 consumers is, what are they getting --- and I'm using  
7 central PA. I don't know about Philly. I'm not an  
8 expert there.

9 MR. MILLER:

10 Sure.

11 REPRESENTATIVE SAYLOR:

12 But what are central Pennsylvanians, if I  
13 license electricians and you and everybody else, what  
14 are they going to get for their extra money they're  
15 going to pay when they buy a home?

16 MR. MILLER:

17 Well, what they're going to get with the  
18 sprinkler system is safety.

19 REPRESENTATIVE SAYLOR:

20 They already have that in central PA. I  
21 can't tell you about here.

22 MR. MILLER:

23 No, they don't. From central  
24 Pennsylvania to central Arkansas, fires are fires.  
25 And they still happen. It doesn't make any

1 difference. Just to give you an example, Pennsylvania  
2 --- and we should be ashamed of this, okay? --- in  
3 Pennsylvania we have more deaths in off-campus  
4 housing, and they're --- anything over five people in  
5 a house. We had 11 people die in Pennsylvania in  
6 Bloomsburg. We had five people die when the same  
7 thing happened in New Jersey, at Seton Hall. You  
8 never about Millersburg. You never heard about that.

9 REPRESENTATIVE SAYLOR:

10 Let me stop you there a minute. You're  
11 talking about --- there was no sprinkler systems in  
12 any of those units. The key is --- and we got to get  
13 back to the topic, and that is sprinkler system  
14 licensing. If those were sprinkler systems that had  
15 failed, I think you have an argument. But there were  
16 no sprinklers in. I agree with you. In student  
17 housing, in apartment complexes, it should be  
18 mandatory sprinkler systems.

19 MR. MILLER:

20 Correct.

21 REPRESENTATIVE SAYLOR:

22 No argument.

23 MR. MILLER:

24 And you should have licensed people do  
25 it.

1                   REPRESENTATIVE SAYLOR:

2                   But to use a non-sprinklered system as a  
3 way of arguing for licensing, I don't think is  
4 justifiable. That's the thing, as a legislator, for  
5 you to convince me, from central PA, I need you to  
6 show me examples throughout the state where licensing  
7 would have saved lives in any number of ways, from the  
8 point that there was an installer somewhere.

9                   MR. MILLER:

10                  Well, the thing is, is that licensing and  
11 installing sprinkler systems would save lives. The  
12 thing is, is that if someone doesn't want it, or a  
13 municipality don't want sprinklers, then they don't  
14 mandate sprinklers, but if they do mandate sprinklers,  
15 Lower Merion and other places like that, they should  
16 have licensed people putting them in.

17                  REPRESENTATIVE SAYLOR:

18                  So you don't think a local township  
19 should have the right to govern their own construction  
20 in their own townships, and it's up to the state to  
21 decide who should be licensed and shouldn't be  
22 licensed?

23                  MR. MILLER:

24                  Yeah. I think the state should license  
25 everyone, sure.

1                   REPRESENTATIVE SAYLOR:

2                   Okay. Thank you, Mr. Chairman.

3                   CHAIRMAN STURLA:

4                   Okay. We got a host of people that want  
5 to ask questions, so we're just about killing our time  
6 here, but Representative Killian?

7                   REPRESENTATIVE KILLIAN:

8                   I'll be quick, Mr. Chairman.

9                   CHAIRMAN STURLA:

10                  Sure.

11                  REPRESENTATIVE KILLIAN:

12                  Just on Representative Saylor's question.  
13 His concern seems to be that the issuance of a  
14 license, a state-wide license, would result in higher  
15 costs. We need to decide whether we mandate sprinkler  
16 systems or not. In your experience in Philadelphia,  
17 after it instituted the licensing law, did you ---  
18 were the costs for a sprinkler system before licensing  
19 that much higher after?

20                  MR. MILLER:

21                  I didn't see any difference in it.

22                  REPRESENTATIVE KILLIAN:

23                  Okay. Thank you.

24                  MR. MILLER:

25                  In the licensing and what it costs for a

1 sprinkler system.

2 CHAIRMAN STURLA:

3 Representative Helm?

4 REPRESENTATIVE HELM:

5 Thank you, Chairman Sturla. Mr. Miller,  
6 you've given us extensive information here on the  
7 different states and their licensing requirements.

8 MR. MILLER:

9 Yes.

10 REPRESENTATIVE HELM:

11 And I was just wondering, if you were to  
12 pick one of these states that Pennsylvania should  
13 model itself after, do you have a particular state  
14 that you would model us?

15 MR. MILLER:

16 No, I don't. I can tell you that I can  
17 only speak for myself with the sprinkler systems. And  
18 the state of Pennsylvania should model itself after  
19 Philadelphia. That's my experience. That's all I can  
20 tell you.

21 REPRESENTATIVE HELM:

22 And that's all I asked you for.

23 CHAIRMAN STURLA:

24 Representative Solobay?

25 REPRESENTATIVE SOLOBAY:



1           Thank you. I guess just maybe to tie  
2 into Stan's comments. Would you say the introduction  
3 of a licensure bill that would tighten things up so  
4 that Joe the Plumber that runs out of his pickup  
5 truck, and nobody's able to follow where he's from or  
6 what he does, as opposed to folks from your group,  
7 whether they be union or non-union, are trained,  
8 educated, apprenticed and follow through the rules.  
9 Isn't that where licensure helps? Where there's a  
10 little bit of accountability of who and what is doing  
11 the job, regardless of if it's sprinklers, carpenters,  
12 electricians, plumbers? I mean that's where the  
13 benefit, it seems, in my opinion, comes out. There's  
14 better accountability of watching the action of  
15 individuals. There's somebody that's truly overseeing  
16 that particular trade or that skill that's being done.

17           MR. MILLER:

18           Yes. And the thing is that anyone, if  
19 you just throw a placard out on your lawn that you do  
20 sprinkler systems, that doesn't mean you're a  
21 qualified installer. And it doesn't mean because a  
22 plumber does work on piping systems that he's  
23 qualified in putting in sprinkler systems. And I'm  
24 not qualified at putting in plumbing systems. You can  
25 just ask my wife, and she'll tell you that.

1                   CHAIRMAN STURLA:

2                   Representative Adolph?

3                   REPRESENTATIVE ADOLPH:

4                   Thank you, Mr. Chairman. Thank you, Mr.  
5 Miller. I just want to make sure we get this correct  
6 on the record. And I want to go back to  
7 Representative Mustio's question. Probably the reason  
8 why I support state licensing of building trades is  
9 because of the duplication that a lot of these  
10 tradesmen have to pay from one county to another and  
11 from one municipality to another. I just want to make  
12 sure that I understand you, that if we would pass a  
13 state license for your trade, that we could eliminate  
14 the local license.

15                   MR. MILLER:

16                   What can be done is you have reciprocity.  
17 If Philadelphia has a licensing law that's stronger  
18 than what's the state's was, then the state would  
19 recognize Philadelphia. So you wouldn't have to keep  
20 taking tests or keep doing certain things. Just like  
21 in New Jersey. I have it in there that it's  
22 reciprocal. If Pennsylvania has a law similar to New  
23 Jersey, then there's no duplications of licensing and  
24 testing.

25                   REPRESENTATIVE ADOLPH:

1           So if you have a Philadelphia license,  
2 and you come out here to Delaware County, you would  
3 not be required to get a state license or a license in  
4 a municipality here in Delaware County?

5           MR. MILLER:

6           If it was equal to or better than the  
7 license that was in that area.

8           REPRESENTATIVE ADOLPH:

9           Okay. And for those of my colleagues  
10 that are not familiar with the Meridian Bank, I guess  
11 it's at Broad and Market, and it was probably about a  
12 30-storey building, I guess, okay? And it's probably  
13 been about, what? 15 years ago?

14          MR. MILLER:

15          I'd say so.

16          REPRESENTATIVE ADOLPH:

17          At least. Okay. But thank you very  
18 much.

19          CHAIRMAN STURLA:

20          Thank you. Representative Shimkus?

21          REPRESENTATIVE SHIMKUS:

22          Thank you, Mr. Chairman. I think mine is  
23 more of a statement that I'd like to get your thoughts  
24 on. And I appreciate the comments of my colleagues,  
25 but in my area, it seems that what was no longer is.

1 And there is now a growing tendency to import less  
2 expensive labor, and a few weeks ago, I walked a  
3 picket line with some of my union brothers and there  
4 was a piece of heavy equipment that someone was using  
5 that I don't think they were authorized or skilled to  
6 use and flipped it, and it became an accident. Now,  
7 my question, or my comment, really, is that I think  
8 licensing then guarantees that when people put in  
9 something that is required, at least we will know that  
10 the people doing it are qualified and that it works.  
11 Because I think there is a tendency sometimes to save  
12 money in the short run and lose in the long run.

13 MR. MILLER:

14 I agree.

15 REPRESENTATIVE SHIMKUS:

16 You agree?

17 MR. MILLER:

18 I certainly do.

19 CHAIRMAN STURLA:

20 Thank you. I'm going to spare you my  
21 question so we can get back on track here, and we'll  
22 let you go. Thank you.

23 MR. MILLER:

24 Okay. Thank you.

25 CHAIRMAN STURLA:

1                   Next is Tony Lusi, Assistant Director of  
2 Training for the International Union of Operating  
3 Engineers, Local 542.

4                   MR. LUSI:

5                   Good afternoon, everyone. I've been down  
6 this road before, beaten. I didn't know two years ago  
7 if we should have chewed the whole cow or taken a  
8 piece of the cow. We went after operator licensure.  
9 We didn't go after heavy equipment licensure. I saw  
10 the agenda today, and I thought that we'd nibble on  
11 the cow a little more and bring in some components of  
12 safe crane lifting, since our legislation does sit in  
13 the Senate currently, and let everyone know why we did  
14 not try to bring this triangle and implement it back  
15 in the day, which was two years ago. I just want to  
16 read real fast, and I know everyone has my testimony  
17 here, and I won't take too much time so I can field  
18 some questions.

19                   But our organization represents over  
20 6,000 heavy equipment operators that work in 34  
21 eastern Pennsylvania counties. All right? In a  
22 constantly-changing work environment, the 21st Century  
23 equipment operator must try to keep pace with  
24 manufacturers' new technology. Safety for the general  
25 public and construction works in our industry is

1 always of the utmost concern for Pennsylvania workers.  
2 Accidents involving cranes can be costly in terms of  
3 serious injury, property damage, lost time, and  
4 litigation. In our experiences, near misses and minor  
5 accidents happen daily in this state. Unfortunately,  
6 there's been a rash of crane accidents resulting in  
7 multiple deaths over the past months, up and down the  
8 eastern coast. And again, throughout the country.  
9 All right?

10                   While working in our trade, I was never  
11 aware of any legal issues that affected the operating  
12 engineer at performing their job. Insurance coverage  
13 for operating engineers working on jobs isn't a  
14 standard practice. Currently our trade's regulated  
15 under OSHA construction and general industry  
16 standards. The equipment we operate is designed,  
17 constructed, maintained and operated following the  
18 appropriate ASME safety standards. Manufacturers also  
19 govern the operation of each and every specific piece  
20 of heavy equipment.

21                   Standardized assessment of the knowledge  
22 and skills required of crane crews can lead to  
23 accident reduction. Proper crane operator, signalman  
24 and rigger training and certification is important to  
25 help ensure cranes are operated, assembled and

1 disassembled in a manner that minimizes the potential  
2 for accidents that would result in serious injuries  
3 and/or fatalities. Most experts agree that to have  
4 the best chance for a safe crane lift, the operator,  
5 the signalman, and rigger must be trained and assessed  
6 in their knowledge skill to accomplish each task.

7           The mobility of cranes today --- I'm  
8 going to get on cranes a little bit. Like I said to  
9 you before, I wanted to bring that in. The mobility  
10 of cranes to day allows them to reach almost every  
11 industry on a daily basis in Pennsylvania.  
12 Manufacturers build units today that can lift more and  
13 reach higher than any of their predecessors. In the  
14 critical tasks of assembly and disassembly, the new  
15 technology of crane manufacturers allows their big  
16 mobile units on and off sites almost daily. This  
17 altering work environment creates a never-ending  
18 battle with ground support conditions, changing  
19 weather, and employer schedules. In most cases, the  
20 crane erection crew is different from job site to job  
21 site. Along with this great technology come more  
22 complex conditions for today's crane crews to safely  
23 adjust to.

24           Operators are responsible for an  
25 extensive evaluation of the crane on a daily basis,

1 according to each different manufacturer's procedures.  
2 Some operators change cranes on a daily, weekly, or  
3 monthly routine. Each time, they are subjected to  
4 different procedures, load charts, manuals related to  
5 the specific type of crane they're assigned to  
6 operate. Compounding the situation, cranes use all  
7 different types of computer systems which are  
8 manufactured, generally, independent of the crane  
9 company. The greater complexity makes them  
10 increasingly less forgiving, and heightens the level  
11 of operator training and skill necessary for safe  
12 operation.

13           We also realize how important the role of  
14 a signalman plays in safe lifting operations. These  
15 individuals must understand the basic limitations and  
16 operations of each specific crane that they're  
17 signaling. They must understand how to communicate  
18 safely to the crane operator and also keep their eyes  
19 on a change work environment that could affect the  
20 next crane move.

21           The rigger is the person that connects  
22 all loads to the crane hook, by means of lifting  
23 slings and hardware. Crane operators understand how  
24 critical this individual is to a safe crane lift.  
25 Hardware and sling criteria, along with correct usage,



1 is critical to keep the load attached to the crane  
2 hook.

3           We have not experienced much resistance  
4 from manufacturers, owners, users or tradesmen while  
5 inquiring about the potential for certification and  
6 licensing. Everyone acknowledges how dangerous the  
7 industry can be, and they are united to provide the  
8 safest work environment possible.

9           The economic impact should be minimal on  
10 the industry and employees. The licensure should not  
11 create undue barriers of entry into the practice of  
12 the profession, or adversely affect the availability  
13 of services to consumers.

14           Local 542 of the Operating Engineers  
15 supports any training, certification and licensure  
16 existing and future crane crews will be required to  
17 achieve. We would be honored to participate with  
18 other trades on a State Board of Construction Trades  
19 for Pennsylvania.

20           All right. Real fast. In House Bill 16  
21 (sic) that addresses crane operator licensure, we hope  
22 that our state will take one step forward towards a  
23 safer work site environment. I know I'm preaching to  
24 the choir. Safer work sites create safer conditions  
25 for the general public. As most of you are aware,

1 this licensure has passed the House of Representatives  
2 twice, overwhelming, just to die in the Senate  
3 Appropriations Committee. There are approximately 15  
4 states and 10 cities that require crane operators to  
5 be licensed. Real fast. The City of Philadelphia  
6 Department of Licenses and Inspection is only weeks  
7 away from requiring all tower crane operators,  
8 signalmen, riggers and inspectors, to implement their  
9 new regulation. I'd be willing to share that with  
10 everyone.

11                   And last but not least, automobiles,  
12 motorcycles and their inspectors are licensed in this  
13 state. Why not license crane operators?

14                   I would take any questions.

15                   CHAIRMAN STURLA:

16                   Any questions from members? I'll ask you  
17 the question, then, that I want to try to ask  
18 everybody.

19                   MR. LUSI:

20                   Okay.

21                   CHAIRMAN STURLA:

22                   In terms of licensing, should you have  
23 your own licensing board, just being crane operators,  
24 or should it be heavy equipment operators, or should  
25 it be crane operators as a division of heavy equipment

1 operators as a division of building trades?

2 MR. LUSI:

3 I think there's some pluses and minuses  
4 to a general board, and also to specific trade boards.  
5 I think that one thing that the legislators need to  
6 know is you need a direct access to the experts in  
7 these industries to help move along with the  
8 maintenance of these licenses over the course of  
9 years. I don't know if a general trade board would  
10 accomplish that, with only one individual per trade or  
11 two individuals per trade. I didn't have a lot of  
12 time to think about this, but you see where I'm  
13 saying, you're always going to have to access experts  
14 to help, first of all, get the license going, and to  
15 make sure everything's running correctly, so I'm kind  
16 of just weighing that right now, Representative. I'm  
17 not positive.

18 CHAIRMAN STURLA:

19 And like I said, it's something that I've  
20 been weighing also, and I don't know whether it's we  
21 have 25 boards in the end, or whether we have one  
22 board in the end or maybe we have five boards in the  
23 end. And maybe it is heavy equipment operators and  
24 there's six different trades underneath that heavy  
25 equipment operators. But you know, I don't know, and

1 that's why I'm asking the people that are in the  
2 trades to say, if I did try and break it down, how I  
3 would I categorize things? Do I --- I mean I talked  
4 to security system installers the other day, and I  
5 said, you guys are just like electricians. And they  
6 said, no, no, no. We don't touch high-voltage stuff.  
7 We're all low voltage. We are so different than  
8 electricians, you can't imagine how different we are.  
9 And I'm like, really? You know. I mean that's where  
10 I'm looking for some help from the trades themselves  
11 to figure out how to jell this in my mind as to how it  
12 might happen.

13 MR. LUSI:

14 Well, I could give you a little  
15 experience from some of the national crane committees  
16 and boards that I sit on. We just --- we don't make  
17 the policy. We approve the policy. The policy is  
18 derived from the task forces or committees that are  
19 under us that do all the leg work. They're the  
20 experts. They're the group of 20, 15, 10 different  
21 people. They come to us, yeah, we're experts in our  
22 certain trades, but again, you need to run the whole  
23 organization. So I'm just feeding you a little bit of  
24 what I experience out there.

25 CHAIRMAN STURLA:

1                   Okay. All right. Next up is Gregg  
2 Rogers, National Coordinator for the Elevator Industry  
3 Work Preservation Fund. And while he's coming to  
4 podium, I'll point out that we've been joined by  
5 Representative Metcalfe.

6                   MR. ROGERS:

7                   Mr. Chairman, honorable members of the  
8 Committee, it's a pleasure to be here in this fine  
9 building today, and in your community. I'm from Des  
10 Moines, Iowa, and I flew in last night and stayed  
11 right down here at a lovely old hotel, the Wayne  
12 Hotel, and went around the corner and ate. It's quite  
13 an experience in your town. So I did drop a little  
14 money in your city.

15                   REPRESENTATIVE ADOLPH:

16                   Glad to hear that.

17                   MR. ROGERS:

18                   My name is Gregg Rogers. I'm a national  
19 coordinator for the Elevator Industry Work  
20 Preservation Fund. I am a licensed mechanic, and have  
21 been involved in the elevator trade since 1974. I am  
22 certified as a qualified elevator inspector, and  
23 served on the American Society of Mechanical Engineers  
24 A-18 Standards Committee for Platform Lifts and  
25 Stairway Chair Lifts.

1 I come before you today to speak about  
2 the need to establish minimum qualifications or  
3 licensing requirements for those who intend to work on  
4 the different types of conveyances in your state.

5 Elevators are powerful by nature and  
6 unforgiving when they malfunction. Currently, there  
7 are no requirements for any education or training  
8 established by the state of Pennsylvania for those who  
9 intend to construct, maintain and repair conveyance  
10 equipment. Most people assume those who work on  
11 elevators and escalators are licensed.

12 This is an industry that has been around  
13 for well over a hundred years and has maintained that  
14 we offer the safest form of transportation available.  
15 This may be true when you consider how many people we  
16 move around the world daily.

17 However, according to a report by the  
18 Center to Protect Workers' Rights, as part of a  
19 research agreement with the National Institute for  
20 Occupational Safety and Health, incidents involving  
21 elevators and escalators kill about 30, and seriously  
22 injure over 17,000 people annually in the United  
23 States, according to data provided by the U.S. Bureau  
24 of Labor Statistics and the Consumer Product Safety  
25 Commission.

1           What is surprising about these figures is  
2 they are people who were injured or killed while at  
3 work on or around conveyance equipment. There are no  
4 records on the general public that are injured or  
5 killed on elevators.

6           Not all of those injured or killed are  
7 elevator persons. It could be a janitor in a building  
8 who was retrieving a set of car keys that someone  
9 dropped down an elevator shaft, and was struck by a  
10 counterweight on an adjacent car. Or possibly you  
11 might have heard about the doctor in Houston, Texas  
12 who was beheaded when the elevator took off with the  
13 doors open when he was stepping onto the car.

14           The mobility impaired are the most  
15 vulnerable in our society to those who would put  
16 profit ahead of safety. The stories never seem to  
17 stop, but the fact of the matter is that if minimum  
18 standards were established through a licensing  
19 program, lives can be saved.

20           It falls on the state to protect them.  
21 Recommendations to prevent elevator and escalator-  
22 related deaths and injuries include ensuring that  
23 workplace protective practices and training are  
24 adequate; employers have an adequate inspection and  
25 maintenance program; and most importantly, employers

1 use only qualified workers for escalator and elevator  
2 repair and maintenance.

3           We are currently working to introduce a  
4 licensing program here in Pennsylvania through House  
5 Bill 990, and hope to pass it this next legislative  
6 session. Our bill would require licensing of  
7 contractors, inspectors and mechanics. In the event  
8 of an emergency or a work stoppage, it allows the  
9 companies to certify persons who are qualified to work  
10 at the mechanic level to meet the needs of the  
11 customer.

12           In the event of a shortage of mechanics,  
13 when business is booming, it allows companies to  
14 elevate qualified individuals who meet certain  
15 education and training requirements to the mechanic  
16 level on a temporary basis. Only through proper  
17 education, training and continuing education  
18 requirements can the citizens be assured the equipment  
19 they ride on is safe. When a person steps into an  
20 elevator, the last thing on their mind is what type of  
21 person has worked on it. Most people just assume it  
22 will take them to the floor they want, and the doors  
23 will open.

24           Unless the state mandates through  
25 licensing, there are no assurances. I would urge your



1 support for licensing, so the citizens of Pennsylvania  
2 are assured the equipment they take for granted is  
3 safe and maintained to the best standards available.

4           And I've tried to keep it short, and I'd  
5 be glad to answer any questions.

6           CHAIRMAN STURLA:

7           Thank you. Questions from members?  
8 Representative Killion?

9           REPRESENTATIVE KILLION:

10           Just a quick comment. This is the one  
11 trade I know a little bit about. My grandfather and  
12 my brothers and my father are all Local 5, and my  
13 uncle actually went to the first stage of mechanic,  
14 coming up from a helper, lost his leg in an accident.  
15 And they are very dangerous. I talk to my brothers.  
16 Especially the escalators. I was very surprised when  
17 I got to Harrisburg, we do not license. I know we  
18 have the apprenticeship program and training within  
19 the union system, and I'm a strong supporter of this  
20 bill and hope that we can move it forward. Thank you.

21           MR. ROGERS:

22           I appreciate that. And you are right.  
23 They are dangerous. I have half a thumb to prove that  
24 myself.

25           CHAIRMAN STURLA:

1           Thank you. I'll ask my question in terms  
2 of perhaps as it's done in other states. I don't  
3 know. Do you have your own licensing board in other  
4 states?

5           MR. ROGERS:

6           Yes.

7           CHAIRMAN STURLA:

8           Okay.

9           MR. ROGERS:

10           Yes, we do, and the reason for that is,  
11 it's made of people knowledgeable of the industry.  
12 They help write the rules to enforce the bill that  
13 passes, the statute that passes. It's made up of  
14 company representatives, labor representatives,  
15 servicing contractors, members of the general public  
16 and the handicapped community are --- people that use  
17 the equipment, and manufacture and maintain the  
18 equipment and work on it.

19           CHAIRMAN STURLA:

20           Okay. All right. Questions from any  
21 other members? All right. Thank you.

22           MR. ROGERS:

23           Thank you.

24           CHAIRMAN STURLA:

25           Next on the agenda is Frank Sirianni,

1 President of the Pennsylvania Building and  
2 Construction Trades Council.

3 MR. SIRIANNI:

4 Good afternoon, Chairman Sturla, and  
5 Chairman Adolph, and the members of the Labor  
6 Committee and also of the Licensure Committee. Thank  
7 you for inviting me here today to make comments on the  
8 construction industry licensing.

9 My name is Frank A. Sirianni, and I'm the  
10 President of the Pennsylvania State Building Trades  
11 Council. Our organization consists of 16 regional  
12 councils across the state, and 119 local construction  
13 unions, that represent every craft. Collectively, we  
14 represent over 96,000 union construction workers. And  
15 I'd like to also note that we have over 3,000  
16 signatory contractors, as well.

17 Together, through labor/management  
18 cooperation, we provide the highest-quality skilled  
19 craftsmen and women in the state, through education  
20 and training by our apprenticeship programs, and also  
21 through journeyman upgrades and journeywoman upgrading  
22 programs. It is important that you know that our  
23 programs provide the highest level of safety training  
24 and many of our programs are accredited for college  
25 credit.

1 I can honestly say that you will not find  
2 a safer work site in the state of Pennsylvania, than a  
3 project that is a hundred percent union, and I mean  
4 anywhere in the state. Our work force and the quality  
5 of our work has proven time and time again, that there  
6 is no better consumer protection than hiring a union  
7 contractor or using union construction workers in this  
8 state.

9 If in fact all construction companies had  
10 our safety training and our skills, we wouldn't need  
11 licensing in the state of Pennsylvania, but  
12 unfortunately, that's not true. Low or non-skilled,  
13 under-trained, low-paid construction workers are a  
14 dime a dozen in this state, and many of them  
15 infiltrate through coming in from other states with  
16 construction companies. Many construction companies  
17 are eager to employ them at their low wage rates.

18 This leads us to why we are here today.  
19 The need for construction licensing in our state, in  
20 all aspects of the construction industry, is long  
21 overdue. And I applaud all of you for having the  
22 insight and the concern on this issue.

23 The need for construction licensing in  
24 Pennsylvania has many layers, one of which is consumer  
25 protection. We want the consumers to get what they

1 pay for, and we want them to have a safe home or a  
2 safe business or safe environment once the project is  
3 completed. When a project is complete, we surely want  
4 them to have a guarantee of the safe operation of  
5 their home or facility.

6           There are many risk factors in building a  
7 construction project. One was mentioned earlier, such  
8 as fire. We have foundation problems. McCaskie High  
9 School. That school was completed by people that  
10 weren't licensed and we had foundation problems. We  
11 have the York County government building. It ended up  
12 being seven million dollars over budget and two years  
13 behind schedule. No one on that particular project  
14 --- well, some of the crafts had licensing, but not  
15 all of them did.

16           But let's step back a little bit and look  
17 at the process of what happens here. The individual  
18 goes out and hires a company. The company hires  
19 workers. If the workers aren't trained and they  
20 aren't skilled, and ultimately not licensed, they're  
21 not getting exactly what they pay for. If a person  
22 goes through training, safety training, and is a  
23 skilled employee, and works on the project, then the  
24 consumer gets what they're paying for.

25           Construction is the most dangerous

1 occupation in our state. We have many deaths on a  
2 monthly basis, and the accident rate is very high. In  
3 order to reduce these rates, we must ensure proper  
4 training across the board. All construction workers  
5 should be required to pass exams and tested for the  
6 skills and safety. What better way to protect the  
7 citizens of our state, and consumers and the work  
8 force will benefit by ensuring that they have training  
9 and safety skills.

10                   The benefits of licensing are unlimited.  
11 It saves lives, reduces lawsuits, reduces Workers'  
12 Comp claims, ensures quality, provides a venue for  
13 project inspection, and the list goes on.

14                   Recently, you and your colleagues passed  
15 one of the most significant pieces of legislation in  
16 the construction industry, House Bill 2400, which  
17 addresses independent contractors. That's a landmark  
18 piece of legislation. I think licensing fits hand-in-  
19 hand with that piece of legislation to control a lot  
20 of problems in our industry throughout the state, such  
21 as illegal workers, which we all know has been a  
22 problem in this state, misclassification of workers as  
23 independent contractors. You can control this through  
24 the licensing board.

25                   I believe that this legislation would be

1 an asset to all citizens of Pennsylvania. And I thank  
2 you for the time you've put into it, and I hope to  
3 work with you in developing the legislation, and if I  
4 can be of any assistance in developing the board  
5 issues, or anything to do to help this move forward,  
6 I'd be more than happy to help.

7                   That's all I really have to say about  
8 this. I am from central PA. There have been several  
9 fires within the past few months that were caused by  
10 faulty electrical installation. I live in Dillsburg,  
11 Pennsylvania, not too far from Lancaster County. I  
12 know the area very well. You know, to say that  
13 licensing won't save lives is ludicrous. And I put  
14 that on the record.

15                   Any questions?

16                   CHAIRMAN STURLA:

17                   Thank you. Questions from members?  
18 Representative Mustio?

19                   REPRESENTATIVE MUSTIO:

20                   One quick question. Thank you, Mr.  
21 Chairman. Frank, can you walk me through the process  
22 on how the licensing would help a related issue that  
23 we've debated in Harrisburg, the illegal immigration,  
24 or the hiring of illegal workers, how licensing would  
25 help deter that or fore-stop it?

1                   MR. SIRIANNI:

2                   I think that the way that would help is  
3 if you can contractor licensing. Now, I know we're  
4 here today to talk more about individual licensing,  
5 and we believe that that's the first step. But most  
6 states have contractor licensing, and there's  
7 reciprocal agreements between states, that if you're  
8 licensed in one state, you can qualify in the state  
9 you're working in if your standards meet their  
10 standards.

11                   But you could revoke the license of the  
12 company working in the state and not allow them to get  
13 another license if they're hiring illegals or  
14 misclassifying workers as independent contractors. I  
15 think that's the basis of that. Does that answer your  
16 question?

17                   REPRESENTATIVE MUSTIO:

18                   Somewhat it does, but I'm, I guess,  
19 concerned about an individual being able to work in  
20 the first place, if they're getting a license and  
21 they're here illegally. Or am I missing something  
22 there?

23                   MR. SIRIANNI:

24                   That's why I said the company would have  
25 to be licensed, and if the company hired illegals,



1 then they could lose their license to operate in the  
2 state of Pennsylvania. As an individual, you would  
3 have to pass certain criteria, which you wouldn't be  
4 able to qualify if you were not a legal citizen.

5 REPRESENTATIVE MUSTIO:

6 Thank you.

7 CHAIRMAN STURLA:

8 Questions from other members?

9 Representative Adolph?

10 REPRESENTATIVE ADOLPH:

11 Since we're back on track as far as the  
12 time is concerned, Frank --- and I'm not sure if  
13 Chairman Sturla's going to ask you that question, but  
14 I think it's a perfect question to ask you since you  
15 have all the trades under your council. Regarding  
16 these professional boards, okay, obviously each one  
17 has its own bureaucracy, and you know, I think there's  
18 27 of them right now we have in the Commonwealth of  
19 Pennsylvania. So it's important for us to find out  
20 whether, once we get the licensing going in  
21 Pennsylvania, whether we need one board for all  
22 trades, or whether we need 20 boards, for each  
23 specific trade. Any thoughts?

24 MR. SIRIANNI:

25 Yeah. As I was listening to testimony,

1 you know, I think it's important that each craft is  
2 separated within the board, and would have an  
3 oversight on that particular craft. You could do that  
4 through several tiers. You could have a complete  
5 oversight board that would be responsible to review  
6 each craft individually, perhaps set up a committee  
7 for each specific craft, and have people that are  
8 educated and in tune with that particular craft assist  
9 in the administration of that board. I think that's  
10 about the only way you're going to get to it.

11 REPRESENTATIVE ADOLPH:

12 And since you're from central  
13 Pennsylvania, Frank, do the local municipalities in  
14 central Pennsylvania, do they have local licensing for  
15 your trades?

16 MR. SIRIANNI:

17 Some do. I know the City of Harrisburg  
18 has licensing for electricians. The enforcement is  
19 not real good. As a matter of fact, I went by an  
20 establishment earlier today that had an electrical  
21 company working there that really I don't believe was  
22 allowed to be there. They have to have a mercantile  
23 license in the area, and they're supposed to have an  
24 electrician's license in Harrisburg. Several other  
25 cities do have some requirements for licensing. I

1 know that the City of Scranton has licensing that all  
2 construction workers in that area --- they passed a  
3 resolution, I think it was eight years ago, that they  
4 have to have licensing to work in the City of  
5 Scranton.

6                   And it hasn't been a burden on really  
7 anyone. It's just they know who's working in their  
8 city. They know what's happening on a day-to-day  
9 basis. The local governments have picked up some  
10 revenue on the mercantile license.

11                   So you know, it's not going to cost a  
12 million dollars per household to have licensing. If a  
13 contractor does four homes, and license fees, you  
14 know, are a couple hundred bucks, divide that over  
15 four homeowners or five homeowners, it's less than two  
16 or three hundred dollars a home.

17                   Right now, we're paying --- in my area,  
18 I'm paying \$2,000 sales tax for parks and recreation  
19 in my area. I haven't been in a park in a while, and  
20 I probably should go out there and run around it a  
21 couple times and get some exercise, but I don't mind  
22 paying a little bit extra for the kids to have a place  
23 to play. And I'm sure that most of the families that  
24 have had loved ones die in a fire or a tragedy in  
25 their home, would find it less expensive to pay \$200

1 for a licensing fee for a sprinkler system than a  
2 \$5,000 coffin.

3 CHAIRMAN STURLA:

4 Thank you. I think you've pretty much  
5 answered the question I've been trying to ask  
6 everybody, in how we do that. I mean, that's going to  
7 be part of the discussion as we continue with our  
8 hearings and throughout the next year as we look at  
9 this further, how we might divide that up and how we  
10 do those kinds of --- get to that licensing. But I  
11 tend to agree. I think if we're going to get to a  
12 point, and I think we're already at or beyond that  
13 point of saying that there are certain things that  
14 have to happen in buildings, a lot of which are going  
15 to be around a hundred years from now. There are  
16 certain safety standards we need to meet in those  
17 buildings. We have to have certain code requirements  
18 we're meeting. The guys that are building these  
19 things technically should know what it is that they're  
20 doing, instead of relying on the fact that some  
21 architect knows that it needs to be two layers of  
22 drywall, but the guy who's installing it doesn't  
23 understand why, and so when he only puts one on, he  
24 says, well, it has two there, but it doesn't matter.  
25 What's the difference?

1 I mean, there's a point where I think  
2 those people that are helping us comply with those  
3 mandates that we've set out there ought to know what  
4 they're doing, instead of just showing up on the job,  
5 you know.

6 MR. SIRIANNI:

7 You're absolutely right. And in the long  
8 term, it saves the contractor money when they build a  
9 place, because if they have to go back in and tear out  
10 a wall between two townhouses because the guy put one  
11 layer of fire protective wall board in there, I mean,  
12 the cost, not only the danger of losing a life, but  
13 the re-work of the project --- it's better to have  
14 somebody trained and understands what they're doing.  
15 If you set your standards right, you guys will be very  
16 successful in your legislation. I think that anyone  
17 that would oppose a legislation that would be safety-  
18 oriented and consumer oriented, would, you know, be  
19 hard to find in our legislature.

20 CHAIRMAN STURLA:

21 Okay. Thank you.

22 REPRESENTATIVE SHIMKUS:

23 Mr. Chairman?

24 CHAIRMAN STURLA:

25 Representative Shimkus?

1                   REPRESENTATIVE SHIMKUS:

2                   I just wanted to say, since the City of  
3 Scranton, which is part of my district, since we had  
4 this licensing, it has not stopped a building boom.  
5 You'd be hard-pressed to find a front in our downtown,  
6 and it has had no negative economic impact. In fact  
7 it probably had a very positive economic impact.

8                   MR. SIRIANNI:

9                   And I mentioned that, because you know,  
10 we have these things in Philadelphia and in  
11 Pittsburgh, and some of the major cities, but it needs  
12 to be everywhere.

13                   CHAIRMAN STURLA:

14                   Thank you. Next on the agenda is Nick  
15 Bradley, Coordinator of Government Affairs and  
16 Business Development, with the Penn-Del-Jersey Chapter  
17 of the National Electrical Contractors Association.  
18 I'll also note that we've been joined by  
19 Representative Gergely.

20                   MR. BRADLEY:

21                   Hello. To start, I'd like to thank the  
22 committees for giving me the opportunity to speak  
23 today and testify.

24                   My name is Nick Bradley, and I am the  
25 Government Affairs/Business Development Coordinator

1 for the Penn-Del-Jersey Chapter of the National  
2 Electrical Contractors Association. Our organization  
3 represents over 600 professional electrical  
4 contractors in the eastern half of Pennsylvania.

5 Just to let you know, I'm going to be  
6 fairly brief, because I submitted written testimony,  
7 which is a lot more descriptive of our position.

8 We are in support of state licensing of  
9 construction trades in Pennsylvania, specifically  
10 electrical contracting. Just to touch on a few  
11 points, we believe it would provide consumer  
12 confidence, by assuring that an electrical contractor  
13 obtained a license through a professional process as  
14 opposed to hiring anyone off the street.

15 We believe it could hold electrical  
16 contractors accountable to properly supervise their  
17 workers in compliance with the National Electrical  
18 Code in regards to safety. And we believe that one  
19 state-level license would allow for uniform compliance  
20 standards, as opposed to multiple municipal licenses.

21 Our organization is willing to work with  
22 the Committee, whatever we can do to achieve our goal  
23 of statewide licensing, and again, for a more detailed  
24 description, refer to the written testimony I  
25 submitted.

1                   And finally, I'd just like to thank you  
2 again for giving me this opportunity.

3                   CHAIRMAN STURLA:

4                   Thank you. Questions from members?  
5 Okay. Well, then I'll ask you the question. So do  
6 you think you guys should have your own board, or  
7 should it be part of a sub-category of a larger board,  
8 or part of a larger board?

9                   MR. BRADLEY:

10                  Ideally, I believe an individual board  
11 with professionals from the electrical industry would  
12 be the best. Yes, an individual board.

13                  CHAIRMAN STURLA:

14                  Okay. All right. I'm actually starting  
15 to see, as I look down our agenda here, you know,  
16 you're doing electrical contractors. We've had  
17 somebody doing elevators, somebody doing sprinkler  
18 fitters. As soon as we get to plumbing, heating and  
19 cooling, I've got four people testifying instead of  
20 one, so I may answer my own question right there.

21                  Representative Adolph?

22                  REPRESENTATIVE ADOLPH:

23                  Thank you, Mr. Chairman. Good afternoon.

24                  MR. BRADLEY:

25                  Good afternoon.



1                   REPRESENTATIVE ADOLPH:

2                   Thanks for your testimony. What's the  
3 public advantage? I'm trying to get as much testimony  
4 on the record as possible. What's the advantage to  
5 the public as far as state licensing concerning your  
6 profession?

7                   MR. BRADLEY:

8                   To the consumers?

9                   REPRESENTATIVE ADOLPH:

10                  Yes.

11                  MR. BRADLEY:

12                  Well, if I can, I have a colleague of  
13 mine who also works for NECA, and a union contractor,  
14 a NECA union contractor, if you guys would give your  
15 opinions?

16                  CHAIRMAN STURLA:

17                  If you could, if you could identify  
18 yourself and state who you're with, just for our  
19 reporter here?

20                  MR. DION:

21                  My name's Christopher Dion. I'm with  
22 Tri-Tech Systems. I'm also on the Board of Directors  
23 of NECA. The public advantage of it is, we would  
24 regulate electricians and electrical contractors, and  
25 hold them accountable. As it stands right now, I can

1 hire any one of you and have you work in Pennsylvania  
2 hospitals' ERs tomorrow. We're doing the ER there. I  
3 could have you go up to Shriners' Hospital, and work  
4 in the NICU. There's no regulation. There's nothing  
5 stopping me from an electrical contractor --- I'm also  
6 an electrician --- from hiring anybody.

7                   So in part of public safety, it would  
8 absolutely protect the consumer. Would it cost any  
9 more? Or are there any other costs, as Representative  
10 Saylor said? No. I have to get licensed in 20  
11 different municipalities to work in the Greater  
12 Philadelphia area. I've gone up to --- well, I won't  
13 mention the townships. I've gone up to a township to  
14 take a written test, because my Jersey license,  
15 Delaware license, or City of Philadelphia license, or  
16 any of the other municipalities wasn't adequate for  
17 them. So I took a test that, the code questions were  
18 so old, they didn't have the right multiple choice  
19 answers. They were wrong. And I called the code  
20 official over and said, well, the old code, it would  
21 have been B. And he said, yeah, I'd go with that one.

22                   So I had to take time. I employ 50  
23 electricians, and I had to take time out to go take a  
24 half-hour test at someone's desk, with the wrong  
25 answers. So it seems kind of silly to me. So that's

1 how it would benefit the public. There's really  
2 nothing stopping me from hiring anybody.

3 MR. PIERCE:

4 My name's Joe Pierce. I'm Assistant  
5 Chapter Manager with NECA. It's like as Chris said,  
6 you know, in our trade, every three years, the  
7 National Electrical Code has an update on, you know,  
8 safety issues, breakers that didn't work, arc fault  
9 breakers now that you might be hearing about that need  
10 to be put in bedrooms. They're wanting them  
11 throughout the house. There's a lot of safety issues  
12 that --- and other states require you to take CEUs,  
13 that are licensed. Your license in other states,  
14 there are CEU requirements, and 10 to 12 hours of that  
15 requirement is getting updated on all the new changes  
16 to the NEC, like Chris said, you know what I mean?  
17 He's taking an out-dated test, the answer would have  
18 been B. Today it's A. So I mean these are some of  
19 the reasons and I think to the consumers that is going  
20 to be beneficial to them.

21 MR. DION:

22 To touch base on your question about  
23 professional boards. Should it be just for electrical  
24 contractors. What I'm looking for, yes. You need to  
25 have professionals from the industry, such as myself

1 or someone else, you know, donate their time and set  
2 up standards. We have to have testing standards and  
3 approval standards, and I don't see how a common board  
4 would be able to do that in the state of Pennsylvania.  
5 You know there's not many things, I guess, regulated  
6 in the state of Pennsylvania, nursing, lawyers,  
7 barbers.

8                   Barbers and hairdressers in the state of  
9 Pennsylvania have to be regulated. Does it cost any  
10 more to get your hair cut today than it did before  
11 there was regulation? I can't imagine it does. So it  
12 seems kind of silly that we regulate some things, but  
13 not things that are in the public's interest.

14                   CHAIRMAN STURLA:

15                   Questions from other members?  
16 Representative Killion?

17                   REPRESENTATIVE KILLION:

18                   I'll be real brief. It's interesting  
19 that we have an employer that's asking for us to  
20 regulate them, and I have to point out that Mr. Dion  
21 is very astute, and I'm not saying that because he's a  
22 constituent.

23                   CHAIRMAN STURLA:

24                   Thank you.

25                   REPRESENTATIVE ADOLPH:

1           Just a comment. In this section of the  
2 Commonwealth, with all these electrical contractors  
3 being required to obtain a license in every  
4 municipality that they do a job, the total cost over a  
5 year's period would be much less if we just had a  
6 state license, where they could just go in and show  
7 their state license. Still pay the necessary permits,  
8 and so forth and so on, and the local mercantile taxes  
9 or business taxes, but as far as --- it would save the  
10 contractor and the individual electricians an awful  
11 lot of money over a year period in this area. Thank  
12 you.

13           MR. DION:

14           Thank you.

15           CHAIRMAN STURLA:

16           Thank you. Next on our agenda is Mike  
17 McGraw, President of the PA Association of Plumbing,  
18 Heating and Cooling Contractors; Carl (sic)  
19 Krzyzanowski, Past President, PA Association of  
20 Plumbing, Heating and Cooling Contractors and Union  
21 Affiliated Contractors Local 690; Al Sgro, member,  
22 Board of Directors, Pennsylvania Association of  
23 Plumbing, Heating and Cooling Contractors; and Kyle  
24 Evans, member of the Board of Directors of the PA  
25 Association of Plumbing, Heating and Cooling

1 Contractors.

2 MR. KRZYZANOWSKI:

3 Good afternoon. I'm the only speaker for  
4 the plumbers. I've been elected to be up here.

5 CHAIRMAN STURLA:

6 What about the heating and air  
7 conditioning guys, though?

8 MR. KRZYZANOWSKI:

9 Yes.

10 Good afternoon, Chairmen Sturla, Adolph  
11 and members of the House Labor Relations and  
12 Professional Licensure Committees. I'd first like to  
13 acknowledge Business Manager from Plumbers Local 690,  
14 John Kane, who is in attendance today, and the people  
15 that you mentioned, current President of the PHCC, Mr.  
16 Mike McGraw, and current Executive Board member, Mr.  
17 Al Sgro, my colleagues.

18 My name is Walt Krzyzanowski. I am the  
19 president of the Union Affiliated Contractors and  
20 Plumbers Local 690 and vicinity. I've also recently  
21 completed a term as president of the Pennsylvania  
22 Association of Plumbing, Heating and Cooling  
23 Contractors. I'm a second-generation master plumber,  
24 and I own and operate a family-owned plumbing company  
25 in the Philadelphia area, started in 1956 by my

1 father. I am proud to say my son --- that brings  
2 little memories, sorry --- I'm proud to say my son is  
3 now a third-generation master plumber, and is  
4 continuing in the proud family tradition.

5           Thank you for the opportunity to present  
6 our views on the licensing of construction trades,  
7 specifically plumbing contractors. The Pennsylvania  
8 PHCC is made of plumbing contractors that, as its name  
9 implies, provide plumbing, heating and cooling  
10 construction and services. While the make-up of this  
11 organization is predominantly non-signatory  
12 contractors, there are a large number of union-  
13 signatory contractors that are also members, myself  
14 included.

15           The PA-PHCC and the UAC and many other  
16 trade organizations throughout the state of  
17 Pennsylvania are working in concert to support the  
18 state licensing of plumbing contractors. We feel it  
19 is necessary to protect the health, safety and welfare  
20 of the consumers and residents of the Commonwealth of  
21 Pennsylvania.

22           In these times, where so much emphasis is  
23 put on homeland security, we feel this legislation is  
24 paramount in helping to protect our infrastructure,  
25 especially in preserving and maintaining our precious

1 drinking water supply and distribution systems.

2           It may be of interest to point out that  
3 the Pennsylvania PHCC has spent more than 20 years  
4 advocating for the passage of a statewide plumbing  
5 contractor licensing program. Most people that we've  
6 spoke to around the state, including many lawmakers,  
7 believe that there are already licensing requirements  
8 for plumbers in Pennsylvania, and sometimes are very  
9 bewildered and even distressed to find out that no  
10 state regulations exist.

11           In larger municipalities, such as  
12 Philadelphia and Pittsburgh and some other areas that  
13 are more densely populated, there are testing and  
14 licensing procedures in place. Most other small  
15 townships and boroughs that exist close to these  
16 municipalities usually piggyback off their procedures  
17 by accepting licenses issues from these  
18 municipalities. Unfortunately, the vast majority of  
19 the smaller townships and boroughs throughout the  
20 Commonwealth have no guidelines and procedures in  
21 place for the testing of persons to prove knowledge of  
22 the code, or proficiency in performing plumbing work.

23           Pennsylvania is one of less than a dozen  
24 states who do not have a statewide procedure for the  
25 licensing of plumbers. The lack of a state licensing



1 program exposes the public to many risks. A person  
2 not properly educated, trained, tested and licensed,  
3 unfortunately exposes the public to many health risks.  
4 Only one example is an illegal cross connection in the  
5 potable water system. This could sicken, even cause  
6 death in some instances. This could expose masses of  
7 people at one time. The most obvious example of this  
8 situation, which we are all familiar with, was the  
9 outbreak of Legionnaires' Disease.

10           Then there are the financial implications  
11 to residents of the Commonwealth. Under this act,  
12 residents of the Commonwealth will have the ability to  
13 electronically verify the license and credentials of a  
14 person before hiring them to perform work in either  
15 their home, commercial building or place of business.  
16 This will help alleviate plumbing contractors not  
17 trained and licensed from doing insufficient, sub-  
18 standard or non-code-approved work, which would force  
19 the consumer to pay double for a properly-trained  
20 plumbing contractor to do the work correctly.

21           We feel that under this act, it would  
22 help reduce the cost for services to the homeowner and  
23 the end-user by eliminating the need to purchase  
24 multiple licenses. For example, in my company, we  
25 spend an average of \$3,000 to \$3,500 annually, just to

1 do business in the Philadelphia five-county area for  
2 licensing alone. By creating one fee for a state  
3 license, this savings would be passed on to the  
4 consumer.

5           Because of the lack of a state-wide  
6 licensing program, reciprocity with other states is  
7 currently non-existent for plumbing contractors doing  
8 business in the state of Pennsylvania, therefore  
9 making it a very cumbersome process for Pennsylvania  
10 plumbing contractors to perform work outside the  
11 Commonwealth. At the same time, out-of-state plumbing  
12 contractors from states that possess state-wide  
13 programs for plumbing licenses have no problem coming  
14 into our state and acquiring permission to work. Some  
15 code officials in the smaller townships and boroughs  
16 that I previously mentioned, recognize that out-of-  
17 state plumbing contractors with a state license from  
18 another state have demonstrated in their home states  
19 through training and testing, that they are qualified  
20 to perform plumbing services.

21           PA-PHCC and UAC 690 is advocating the  
22 passage of SB 660, which addresses these issues by  
23 creating a State Board of Plumbing Contractors. The  
24 Senate Consumer Protection and Professional Licensure  
25 Committee has passed this bill earlier this session.

1 Senate Bill 660 is presently in the state (sic)  
2 Appropriations Committee. The primary function of  
3 this board would be the licensing of all master  
4 plumbers, journeyman plumbers and apprentice plumbers.  
5 The governing body would also necessitate the  
6 mandatory continuing education for all master plumbers  
7 and journeyman plumbers and require participation in  
8 an accredited program for the initial testing and  
9 registration of all plumbers.

10           In addition, the board would also have  
11 the power to investigate and administer the suspension  
12 or revocation of a master or journeyman's license.  
13 Under this act, individuals who are not licensed could  
14 not provide plumbing services. Only master plumbers  
15 could use the title licensed plumbing contractor, or  
16 the abbreviation LPC, subject to certain exceptions.  
17 Qualifications for various classes of plumbers are  
18 further provided under this act, as are disciplinary  
19 options. The sum of \$85,000 would be appropriated to  
20 the Department of Labor and Industry for the payment  
21 of the costs associated with this bill. The amount  
22 would have to be repaid by the board within three  
23 years of the beginning of issuance of licenses. An  
24 individual may not provide plumbing services, offer  
25 himself as an individual who may provide plumbing

1 services or hold himself out as an individual  
2 authorized to perform plumbing services unless  
3 licensed by this board.

4           The board may issue a master or  
5 journeyman plumber's license to an individual licensed  
6 in another jurisdiction of the United States which  
7 offers reciprocity, if they meet the requirements of  
8 this act. A licensee who is also licensed to perform  
9 services in another jurisdiction of the United States  
10 shall report this information to the board with the  
11 biennial registration.

12           As defined in the act, the board may  
13 refuse, suspend or revoke a license. Licensure under  
14 this act shall be acceptable to a municipality,  
15 township or borough in the Commonwealth as proof of  
16 competence to perform plumbing services. Except as  
17 defined in the act, no municipality may require an  
18 individual licensed under this act to obtain  
19 additional licenses to perform plumbing services. The  
20 proposed act shall not prevent the municipality from  
21 inspections, taxations, require a business privilege  
22 license that is unrelated to demonstrating competence  
23 to perform plumbing services, or denying or revoking  
24 permits for failure to comply with ordinances.

25           Included in this bill is a grandfather

1 clause. Careful consideration was given to protect  
2 the interests of individuals who have been engaged in  
3 providing plumbing services in areas of the state in  
4 which no permitting, licensing or testing procedures  
5 have ever been in place. The board will have the  
6 authority to issue a license to an individual meeting  
7 the requirements as defined in this clause. Moreover,  
8 this act does not prohibit a homeowner from performing  
9 minor repairs in his or her own home. There is a  
10 section clearly defined as minor repairs. Individuals  
11 undertaking minor repairs as defined in the act will  
12 not need to be licensed under this act.

13           This bill proposes the formation of a  
14 State Board of Plumbing Contractors that shall consist  
15 of the Secretary of Labor or a designee, two public  
16 members and six professional members. The  
17 professional members shall have been actively engaged  
18 in providing plumbing services in the Commonwealth for  
19 at least ten years immediately preceding the  
20 appointment. Except as set for in language in the  
21 act, professional members shall be master plumbers.  
22 Two professional members shall reside in the county of  
23 first class, and one in a county of second class.  
24 Three professional members shall be subject to  
25 collective bargaining agreements; three members shall

1 not be. The board shall meet within 30 days after the  
2 appointment of its first members and set up operating  
3 procedures and develop application forms for  
4 licensure.

5 Professional and public members of the  
6 board shall be appointed by the Governor, with the  
7 advice and consent of the Senate, and serve a terms of  
8 four years. Professional and public members shall be  
9 citizens of the United States and residents of the  
10 Commonwealth. A professional or public shall not be  
11 eligible to hold more than two consecutive terms. The  
12 board shall have general powers and duties to  
13 administer and enforce the act, circulate regulations,  
14 set fees, and set the amount of liability insurance  
15 required by licensed plumbing contractors. In  
16 addition, the board shall annually submit a report to  
17 the Consumer Protection and Professional Licensure  
18 Committee of the Senate and the Professional Licensure  
19 Committee of the House of Representatives.

20 This plan puts forward regulations in our  
21 industry that provides for the well-being of the  
22 consumers, but still provides a fair environment for  
23 plumbing contractors to operate. We feel licensing  
24 will also help maintain public confidence that  
25 licensed plumbing contractors can be counted on to

1 complete a job professionally, skillfully and safely.  
2 If not, the plumbing contractors put their livelihood  
3 at risk by possibly having their licenses revoked.  
4 Indeed, licensing will protect consumers from  
5 incompetent and dishonest contractors. Under the  
6 current system, the public has little protection  
7 against poor work being done by substandard plumbing  
8 contractors.

9           Member of the PA-PHCC and UAC 690, are  
10 advocating for licensing to show their commitment to  
11 safeguarding and protecting our consumers, your  
12 constituents, and supporting the economic stability of  
13 the Commonwealth by providing businesses, the work  
14 force and the consuming public, a higher quality, more  
15 customer-focused contractor/tradesman.

16           In closing, I want to commend you and  
17 your committee for seeking out input on this very  
18 important issue. Thank you.

19           CHAIRMAN STURLA:

20           Thank you. Questions from members?  
21 Representative Gillespie?

22           REPRESENTATIVE GILLESPIE:

23           Thank you, Mr. Chairman. Thank you for  
24 your testimony, sir. On page four, at the bottom, you  
25 last paragraph there, it talks about homeowners being

1 permitted to do minor repairs. I don't have a copy of  
2 the act here, but could you just maybe elaborate a  
3 little bit on what the minor repairs are that people  
4 would be allowed to do?

5 MR. KRZYZANOWSKI:

6 Well, it's clearly defined in Senate Bill  
7 660, what constitutes a minor repair. Basically what  
8 that is would be to repair your own faucet; a  
9 homeowner could repair his or her own faucet. They  
10 could even go as far as to replace their own toilet,  
11 which was a large question. What they couldn't do  
12 under this act was to physically move the piping  
13 surround that appliance or fixture. Anything that had  
14 to do with the sanitary system, the venting system, or  
15 the main domestic water system, would have to be done  
16 by a licensed plumber. Basically anything that we  
17 felt that could be harmful, that that homeowner could  
18 do harm to his or her family, we've let out of the  
19 minor repair clause.

20 REPRESENTATIVE GILLESPIE:

21 Thank you. Thank you, Mr. Chairman.

22 CHAIRMAN STURLA:

23 Thank you. Questions from other members?  
24 I'll ask my question now, and it relates to, do you  
25 have your own board or I'll even narrow it a little



1 more. Do you have your own board just for plumbers,  
2 or do you have a board that's got plumbers and  
3 steamfitters and sprinkler fitters and gas fitters and  
4 HVAC guys, or where do you draw the line? Who do you  
5 put in what board?

6 MR. KRZYZANOWSKI:

7 We feel that due to the complexities  
8 associated with each trade, that we feel that the  
9 expert --- it would be beneficial for the experts in  
10 each respective trade to watchdog their own ranks.  
11 There's a lot of complexities, as we all here know,  
12 between the trades. As Wayne Miller so eloquently put  
13 it, he's not qualified to do plumbing systems, as I am  
14 not qualified to do sprinkler systems. So all the  
15 complexities and idiosyncrasies surrounding the trades  
16 should be watchdogged by experts.

17 CHAIRMAN STURLA:

18 Okay. Questions from other members?

19 MR. KRZYZANOWSKI:

20 Thank you.

21 CHAIRMAN STURLA:

22 All right. Next to testify is Joel  
23 Oliva, Regulatory Affairs Coordinator, National  
24 Commission for the Certification of Crane Operators.  
25 Before he gets started, I'll point out I failed to

1 introduce Representative Yudichak, who joined us  
2 earlier.

3 MR. OLIVA:

4 Thank you, Mr. Chairman. Good afternoon,  
5 distinguished members of the joint committee. My name  
6 is Joel Oliva, and I'm Regulatory Affairs Coordinator  
7 of the National Commission for the Certification of  
8 Crane Operators. I come from a little different field  
9 than everyone else here, but we feel we have an  
10 important piece of this legislation as well.

11 The NCCCO was formed in January, 1995 as  
12 a non-profit organization to develop effective  
13 performance standards for safe crane operation to  
14 assist all segments of construction and general  
15 industry.

16 The establishment of NCCCO came in the  
17 aftermath of the San Francisco tower crane collapse in  
18 1989, which claimed five lives and foreshadowed the  
19 tragedies we have witnessed this year in New York,  
20 Miami and elsewhere. The foundation of the CCO  
21 national crane operator certification program by a  
22 dedicated team of industry experts over a ten-year  
23 period reflected a genuine and earnest desire by the  
24 industry most affected by such accidents to improve  
25 the safety of lifting operations.

1           NCCCO's mission was, and remains today,  
2 to provide a thorough, third-party assessment of  
3 knowledge and skills through professionally-developed  
4 and independently accredited certification. In this  
5 manner NCCCO seeks to enhance lifting equipment  
6 safety, reduce workplace risk, improve performance  
7 records, stimulate training, and give due recognition  
8 to the professional skill of crane operation.

9           The industry representatives who  
10 participate in NCCCO activities represent such groups  
11 as contractors, labor unions, rental firms, owners,  
12 steel erectors, manufacturers, construction firms,  
13 training consultants and insurance companies. Since  
14 NCCCO began testing in April, 1996, over 325,000  
15 written and practical exams have been administered to  
16 more than 65,000 crane operators in all 50 states.

17           While the recent incidents we have  
18 witnessed are clearly completely unacceptable, it is  
19 important to recognize that cranes, in and of  
20 themselves, are not dangerous. In the hands of  
21 unqualified personnel, however, they can become deadly  
22 instruments. This raises two questions. Number one,  
23 what personnel need to be qualified? And number two,  
24 how can that qualification be determined?

25           To the first question, OSHA has over-

1 arching, if non-specific requirement for all personnel  
2 engaged in a lifting operation to be trained and  
3 qualified and/or competent to perform the tasks they  
4 are assigned. This means the crane operator, to be  
5 sure. But it also extends to the rigger, who rigs or  
6 connects or hooks the load; the signalperson, who  
7 gives the operator verbal or visual instructions, and  
8 the inspector, who verifies that the crane has been  
9 maintained and erected correctly and in accordance  
10 with the manufacturer's instructions.

11           In answer to the second question, how can  
12 this qualification be determined, we believe that  
13 professionally-developed and accredited certification  
14 is the employer's and the public's best assurance that  
15 the required training has been given, and most  
16 importantly, that it has been effective, that learning  
17 has, in fact, taken place.

18           Remarkably, however, only 15 states  
19 currently require crane operators to be certified or  
20 licensed. And the state of Pennsylvania is not one of  
21 those. However, it could be if long-standing House  
22 Bill 647, entitled Crane Operator Licensure Act, were  
23 passed through the legislature and signed into law, as  
24 many of you are aware. This bill provides for  
25 mandatory crane operator certification through an

1 accredited certification body. In addition, five  
2 cities require crane operator certification or  
3 licensure, soon to be joined by a sixth, Philadelphia.  
4 The City has recently revised their building code to  
5 establish certification requirements for mobile and  
6 tower crane operators, riggers, signalpersons and  
7 crane inspectors.

8           Calls for certification are widespread  
9 within the industry. In June, 2008, a report was  
10 published by the Center for Construction Research and  
11 Training that analyzes Bureau of Labor Statistics data  
12 for 323 constructor worker deaths attributable to  
13 crane accidents between 1992 and 2006. It makes a  
14 total of eight recommendations, the first three being:  
15 number one, for crane operators to be certified;  
16 number two, for riggers and signalpersons to be  
17 certified; and number three, for crane inspectors to  
18 be certified.

19           In this context, I would draw your  
20 attention to the fact that whenever I talked this  
21 afternoon about certification I have done so with the  
22 qualification of accredited certification. The  
23 organization I represent believes that any third-party  
24 certification body be subject to on-site audit of its  
25 policies and procedures to ensure it has developed and

1 continues to administer written and practical  
2 examinations that are fair, valid and reliable.

3           Fortunately, there's a simple way for  
4 those who have a stake in construction safety matters  
5 to ensure only professionally-developed certification  
6 is specified, and that is by ensuring that only  
7 certification bodies whose programs have been  
8 accredited by the American National Standards  
9 Institute, or ANSI, are permitted to administer  
10 certification assessments. ANSI has developed a  
11 compliance program that meets the requirements of the  
12 ISO 17024 Requirements for Bodies Operating  
13 Certification of Persons, and is the only accredited  
14 body that requires on-site assessment of a certifying  
15 body as a condition of accreditation.

16           In closing, Mr. Chairman, I would like to  
17 thank you and this committee for providing NCCCO an  
18 opportunity to present these recommendations for  
19 improving safety on work sites wherever lifting  
20 equipment is being used. NCCCO stands prepared to  
21 lend its expertise in assisting this committee to  
22 achieve that goal.

23           Thank you.

24           CHAIRMAN STURLA:

25           Thank you. Questions from members? All

1 right. I'll ask you my question. Should you guys be  
2 on a board with heavy machine operators, or should it  
3 just be crane operators?

4 MR. OLIVA:

5 Well, it's a difficult question to  
6 answer. You know, within our own organization we have  
7 a bit of a level of hierarchy. You know, you have our  
8 Commission, and committees below that, and as has been  
9 brought up here today, I only talk about crane  
10 operators, which is completely different from all the  
11 other tasks. And even within crane operators there  
12 are differences from group to group. So I think there  
13 does need to be a level of expertise for each trade to  
14 be represented fairly and evenly, at a minimum.

15 CHAIRMAN STURLA:

16 All right.

17 MR. OLIVA:

18 Thank you.

19 CHAIRMAN STURLA:

20 Representative Adolph?

21 REPRESENTATIVE ADOLPH:

22 Thank you, Mr. Chairman. Where's your  
23 national office at, Joel?

24 MR. OLIVA:

25 We work out of Fairfax, Virginia.

1                   REPRESENTATIVE ADOLPH:

2                   Fairfax, Virginia, okay.

3                   MR. OLIVA:

4                   We also have offices in Salt Lake City  
5 and Florida.

6                   REPRESENTATIVE ADOLPH:

7                   And just recently, wasn't there a major  
8 crane accident in Houston, Texas?

9                   MR. OLIVA:

10                  Yes, sir, there was. Last Friday, I  
11 believe it was.

12                  REPRESENTATIVE ADOLPH:

13                  Okay. How many people died in that  
14 accident?

15                  MR. OLIVA:

16                  In that accident, there were four deaths  
17 and seven injuries.

18                  REPRESENTATIVE ADOLPH:

19                  All right. Thank you.

20                  MR. OLIVA:

21                  Sure. Thank you.

22                  CHAIRMAN STURLA:

23                  Thank you. Just for the record --- that  
24 concludes the people that are testifying, but for the  
25 record, I wanted to point out that the National



1 Federation of Independent Businesses, the Pennsylvania  
2 Chamber, and the Association of Builders and  
3 Contractors were invited to give testimony today. The  
4 Chamber declined, and we never heard back from the  
5 National Federation of Independent Businesses. And  
6 the Association of Building Contractors was going to  
7 testify today, but Steve Swarney, their Government  
8 Affairs Director, cancelled yesterday.

9           The PA Builders Association were also  
10 invited. They chose not to testify, but did submit  
11 written testimony and that is in your folders. We're  
12 going to try to get these people to come testify  
13 before us at some point in time so we get their input.

14           With that, I'll open it up. Any of the  
15 members have any closing comments they want to make?

16           Representative Metcalfe?

17           REPRESENTATIVE METCALFE:

18           Thank you, Mr. Chairman. It's been  
19 interesting listening to all the different  
20 perspectives for all the different licensing that  
21 would be involved in this thing. I think the  
22 Pennsylvania Builders Association in their testimony  
23 said they do not believe that there is a demonstrated  
24 need for residential contractor licensing in  
25 Pennsylvania. I believe that it's been demonstrated

1 in the House and Senate in recent votes regarding even  
2 the building code that we passed a number of years  
3 back, and we've had to make revisions to that, that  
4 homeowners across the state were outraged that we  
5 would pass any type of code that would limit certain  
6 areas of their ability to do their own home repairs,  
7 and their own work in their own homes. There are many  
8 people out there that are able to do that, and I've  
9 done some myself, although some would argue that I  
10 probably shouldn't have --- sometimes my wife.

11           But at any rate, I think this is --- if  
12 we're going to --- and I know this is kind of like a  
13 wish list today, everybody that would love to be  
14 licensed and see everybody licensed, but this is going  
15 to be an interesting phase as we move forward, but I  
16 think part of the overwhelming support in the  
17 legislature in the past has stood with homeowners who  
18 want to continue to do many of their own repairs, and  
19 I think some of what was asked for today will never  
20 make it off of the dream sheet.

21           But thanks for allowing us to make some  
22 comments, and I appreciate everyone's testimony. It  
23 was interesting to listen to. Thank you.

24           CHAIRMAN STURLA:

25           Thank you. Just as a follow-up to that,

1 too, I think this discussion I'm hoping will at least  
2 go on for the remainder of this session before we  
3 actually get to doing any of this, although there  
4 might be some bills that we'll try and move forward.  
5 But I think this discussion is important to have early  
6 on, before we start moving the legislation through,  
7 and then get part-way through and not know where we're  
8 going or what we're doing or where we're at.

9           With particular regard to the residential  
10 issue, I think Representative Metcalfe is correct, in  
11 that there has been a distaste in the legislature for  
12 regulating residential issues.

13           However, I will, as someone who  
14 represents an area that is a city where there are many  
15 homes that, in some cases don't even have load-bearing  
16 walls between the residences, that I think a lot of  
17 those cases, where you get into those residential  
18 situations, some of those places where there was an  
19 entire block built at one point in time as one  
20 building, and they simply slapped up walls and a front  
21 door, those essentially are what I would call multi-  
22 tenant dwellings, even though everybody owns their own  
23 home.

24           And what somebody does in that one home  
25 directly affects what somebody else is going to have

1 happen to their home, because they share a common  
2 crawl space; they share a common attic space; they  
3 share a lot of things that are common in those places  
4 that were built 150, 200 years ago. And so how we  
5 regulate that, and what we do in terms of codes in  
6 those areas, while I know we need to look at the  
7 residential code and the building code as it relates  
8 to residences and in particular in some of the older  
9 cities, how it relates to renovation and restoration.  
10 I think we ultimately have to be concerned about the  
11 public safety in the end.

12                   So I fully understand your concerns and  
13 agree with a good portion of them, but I think we also  
14 have to make sure that we're not just letting people  
15 willy-nilly tamper with other people's residences  
16 while they're tampering with their own.

17                   Any other comments?

18                   With that, the meeting is adjourned.

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21                   HEARING CONCLUDED AT 3:45 P.M.

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