

**MINUTES OF THE MARCH 23, 2010 MEETING OF THE LIQUEFIED
PETROLEUM GAS EDUCATION AND SAFETY BOARD
WILLIAM ASHBY DEPARTMENT OF COMMUNITY AFFAIRS BUILDING**

Call to order: The meeting was called to order at 1:40 p.m. by Chairman William P. Curcio. The Pledge of Allegiance was then recited, led by Thomas. A. Leahy.

Board members present: William P. Curcio (Chairman), Larry A. Horowitz, Gerard C. Stocker, Thomas A. Leahy, Gene Dougherty, William Neill

Board members absent: William E. Rieger, Jr. (Vice Chairman), Dianne McCarthy

Department staff present: Director Cynthia A. Wilk, Acting Bureau Chief Michael Baier, Michael L. Ticktin, Carrie Battista, Amy Fenwick Frank

Member of the public present: None

Agenda: Mr. Curcio asked that the agenda be revised to add, under New Business, discussion of fuel systems and dispensing systems, training documentation and out-of-state marketer licensing, and to information concerning leak testing. Mr. Horowitz asked that New Business include discussion of disconnection of tanks. With these changes, the agenda was approved without objection.

Public comments: None

Approval of minutes: Mr. Curcio requested clarification as to exemption from LPG licensing requirements for HVAC contractors. Ms. Wilk said that this depends on the rules adopted by the yet-to-be-organized HVAC board. Mr. Curcio said that he had not yet received any information about unapproved appliances. Ms. Wilk expressed concern about “big box” stores selling propane-fueled devices described in their own websites as not approved by the UL or the AGA, but that banning the sale of such devices might raise the issue of interference in interstate commerce. Mr. Curcio said that marketers will not install units that are not UL or AGA approved. Following this discussion, the minutes of the December 15, 2009 meeting were approved without objection.

Committee Reports: Mr. Horowitz asked what the Department was doing with regard to public education. Ms. Wilk replied that the Department generally issues a release concerning safe use of propane prior to the summer. Mr. Horowitz provided copies of a publication from the Propane Education and Research Council (PERC) entitled *Important Propane Safety Information for You and Your Family*. Ms. Wilk said that the Department would arrange for the distribution of the pamphlet through local construction code offices.

Old Business--Meeting with Plumber Representatives: Mr. Horowitz asked what could be eliminated from the required propane training courses in a program designed for

plumbers. Mr. Baier said that books 4 and 7 would not necessarily be required for plumbers, since courses for plumbers should be tailored to the work that they actually do. They would have to take the Basic Principles and Practices course and then only take 4 or 7 if relevant. Mr. Curcio said that plumbers might want to take more courses on their own and that some are now asking for training. He recommended going to a testing agency and having a test designed that PERC would accept for certification. Ms. Wilk said that creation of a special test is a long process, and one for which no State funding would be available at this time. Mr. Baier said that discussions thus far have involved incorporating propane information into existing apprenticeship and continuing education programs for plumbers. Mr. Curcio said that his recommendation would be that the propane industry not get involved with plumber training, since they could not qualify to do propane work if there are no tests and the training is inadequate. He recommended that there be a statutory exemption of plumbers from LPG certification, if the plumbers so desire. It would be up to the plumbers to seek any such exemption. Mr. Stocker asked what would happen with non-plumbers. Mr. Leahy said that they would have to take the CETP courses. Mr. Curcio said that the concern of the Board and the Department should be the qualification of persons who are not licensed plumbers, and that course requirements should not be reduced for plumbers because doing so would set a bad precedent that could be used by others. If the plumbers don't want to take the full program, they should pursue exemption from the act. Mr. Stocker questioned treating HVAC contractors and plumbers differently. Mr. Curcio said that we would have an opportunity to influence the requirements of the HVAC board because it is new. Ms. Wilk said that Department representatives would talk to plumber representatives at the National Standard Plumbing Code hearings, which will be held in New Jersey this year, and will ask them to contact Mr. Curcio to discuss the issue. Mr. Leahy recommended that the Department take a position of not being opposed to any legislation that the plumbers may initiate to exempt plumbers from LPG certification requirements. Mr. Stocker agreed. Mr. Baier said that plumbers should be trained with regard to both propane and natural gas.

New Business:

a. Advertising: The draft rule proposal was approved, with the change that both the postal address *and* the telephone number would be required in any advertising. Use of an internet address in addition would not be required.

b. Status of board appointments: There has been no word from the Governor's office regarding appointment or re-appointment of board members. Ms. Wilk noted that the Governor's office had requested information about the various boards and that the Department had provided such information.

c. Brochure on Fire Safety in New York: Discussion of this brochure and its possible adaptation for use in New Jersey was deferred pending receipt of information from the Division of Fire Safety.

d. Disconnection of Tanks: Mr. Horowitz expressed concern over disconnection of tanks without the consent of the owners of the tanks, sometimes resulting in tanks being left at the side of the road. Ms. Wilk asked if there was any documentation in such cases and Mr. Horowitz replied that there was none. Mr. Baier said that any complaint that might be submitted would be investigated. Mr. Curcio said that notification should

be sent to licensed marketers by the Department to remind them about the rules concerning disconnection and the penalties for their violation. Mr. Baier said that such a notice would be sent out.

e. Dispensing systems: Mr. Curcio said that he had advised John Tomasone of the Bureau of Code Services that violations concerning dispensing systems should be addressed to the operators of the systems, not to propane suppliers, since the rules make the operators responsible for safe operation. Mr. Stocker said that the phrase “with cooperation of marketers” that is in the applicable rule establishes joint responsibility of the owner and the supplier. Mr. Curcio disagreed, saying that the operator is still the responsible party.

f. Training documentation: Mr. Curcio said there continues to be a problem of uncertified people delivering propane in New Jersey and that marketers should be required by rule to provide annual reports to the Department on the training, CETP certification and job responsibilities of all employees who work with propane in New Jersey. Mr. Baier said that the Department will send letters to all licensed marketers requesting employee training and certification reports, and that such reports are already prepared to meet insurance company requirements. A motion to require that this be done (Horowitz/Stocker) was unanimously approved.

g. Licenses: Mr. Curcio asked that the Department advise propane marketer organizations in neighboring states of the requirement that any out-of-state marketer doing business in New Jersey be licensed by the Department. Mr. Ticktin recommended that the Department contact the respective regulatory agencies that have jurisdiction over propane marketers in the other states and that the New Jersey Propane Gas Association contacts its counterpart organizations in those states. It was agreed that this would be done.

Information—Leak testing proposal: Ms. Wilk said that there would need to be a uniform identification card for people engaged in leak testing, and that the Department would issue such a card for a nominal charge in the area of \$10.00. Mr. Baier said that reference to a \$50.00 fee would be deleted and that a revised proposal would be presented to the Board in May.

Board Comments: None.

Next meeting: The next meeting is scheduled for May 11, 2010. Meetings are also tentatively scheduled for the following dates in 2010: October 19 and December 7.

Adjournment: The meeting adjourned at 3:15 p.m.

Respectfully submitted,

Michael L. Ticktin, Board Secretary