

Delegate with HVAC business pushes to repeal regulations

By Eric Eyre



A Republican state lawmaker who owns a heating, ventilation and cooling business in the Eastern Panhandle is pushing a bill that would repeal all state laws that regulate HVAC technicians.

Delegate Eric Householder, R-Berkeley, sponsored the repeal bill and voted for it at a House of Delegates committee meeting last week.

Householder, a licensed contractor, said Monday he doesn't have a conflict of interest — as some House Democrats allege — and doesn't stand to benefit from legislation that would deregulate HVAC technicians. Householder's Martinsburg-based company, Air-Row Sheet Metal, employs HVAC technicians.

“The bill talks about licensing HVAC technicians, and I already have my license, a contractor's license, so there's no direct benefit to me with the bill,” Householder said. “I'm just trying to advocate and do the right thing.”

At a House Industry and Labor Committee meeting last week, Householder sparred with Democrats over his bill, which would repeal regulations passed by the Democratic-controlled Legislature last year. The new laws — sparked by a carbon monoxide poisoning death of a guest at South Charleston hotel in 2012 — aim to protect the public from unsafe, substandard HVAC work.

The state Fire Marshal's Office and the state Department of Military Affairs and Public safety support regulating HVAC technicians.

Delegate Shawn Fluharty, D-Ohio, said Householder has no business advocating for a bill that repeals HVAC regulation.

“Just looking at the bill, it doesn't pass the smell test,” Fluharty said. “To have somebody to come in here and try to repeal a law about public safety, while they're going to benefit from the repeal, I think that's an injustice. We shouldn't be here for personal gain and put personal profit over the people.”

At the committee meeting last week, Fluharty peppered Householder with questions about his HVAC business. Householder took offense and scolded Fluharty after the meeting, calling the Democrat's comments “personal attacks.”

“His line of questioning was over and above what typically you should be asking members,” Householder said. “He brought my personal business in and everything else. It was over the line.”

The new HVAC regulations require technicians to pass a test and pay a license fee. Householder said the exam — based on the 2012 International Mechanical Code — was extremely difficult.

Asked whether his employees could pass the test, Householder said, “It would be tough for anyone to pass. That test could be so subjective, so tough, you wouldn't have anyone pass it.”

Last week, Householder tried to fast track his bill by sending it straight to the House floor, but the labor committee voted to send it to the House Judiciary Committee first.

If his bill comes up for a passage vote, Householder could request to be excused from voting under the Legislature's Joint Rule 49, but House Speaker Tim Armstead would have the final say on the matter

Under the new regulations, it would be illegal for technicians to work on an HVAC unit or fire damper without a license. West Virginia has more than 2,600 HVAC technicians.

"Basically, this is a jobs bill," said Householder, a tea party member. "We shouldn't be having to ask government for permission to go to work."

In 2013, the Affiliated Construction Trades Foundation, a union group, asked the Legislature to consider licensing HVAC technicians.

In a report later that year, the Legislative Auditor's Performance Evaluation and Research Division concluded that unskilled and unsupervised technicians posed a potential harm to the public. The report, however, didn't recommend licensing technicians — rather it suggested requiring that HVAC workers be certified in their field.

Householder said last year's Democratic-controlled House "rammed through the union-sponsored" HVAC licensing bill. Eight Republican House members — Amanda Pasdon, Cindy Frich, Kelli Sobonya, Bill Hamilton, Erikka Storch, John Ellem, Ray Campbell and Carol Miller — joined the Democrats and voted for the legislation. The state Senate — which included 10 Republicans — passed the bill unanimously.

West Virginia is one of a dozen states that now regulate HVAC technicians. Twenty-four states regulate HVAC contractors but not technicians. Nine states have no regulations, while other states leave regulations to counties and cities.

"There wasn't a need for licensure in West Virginia," Householder said. "Licensure doesn't save lives."

HVAC technicians could be certified through HVAC manufacturers and trade schools, he said. He planned to meet Monday afternoon with union officials who oppose his bill.

"I'm willing to slow down the repeal bill, if they're willing to change the word from 'licensure' to 'certification,'" Householder. "I'm willing to compromise if they're willing to compromise. If not, the bill is going to move forward and we're going to repeal it."

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