

VOLUME 48, ISSUE 21
ISSUE DATE: **NOVEMBER 7, 2016**
PUBLIC NOTICES
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
**STATE BOARD OF EXAMINERS OF HEATING, VENTILATING, AIR CONDITIONING,
AND REFRIGERATION CONTRACTORS**

N.J.A.C. 13:32A-1.1 and 1.2

Notice of Receipt of Petition for Rulemaking

Petitioner: Ronald Kessner.

Authority: N.J.S.A. 52:14B-4.

Take notice that on September 22, 2016, Ronald Kessner requested that the State Board of Examiners of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors (Board) amend N.J.A.C. 13:32A-1.1 to establish that N.J.A.C. 13:32A, regulations governing the licensure and regulation of master heating, ventilating, air conditioning, and refrigeration contractors, does not apply to "hearth products professionals" who are engaged in the installation, maintenance, and repair of hearths and patio and barbecue appliances and the vents that serve those appliances, and natural or manufactured gas piping on the load side of a meter. The petitioner also requested that the Board amend N.J.A.C. 13:32A-1.2 to define a "hearth products professional" as:

A home improvement contractor registered with the New Jersey **Division of Consumer Affairs**, engaging in the connection, venting, installation, inspection, repair or servicing of solid fuel, fuel oil, and fuel gas heat-producing appliances, outdoor solid fuel and fuel gas appliances, the installation, inspection, repair or servicing of vent connectors, metal and masonry chimney systems, the installation, service and maintenance of gas piping (as permitted in N.J.A.C. 13:32-1.4(e)4), and who is experienced in such work, is familiar with all precautions required, and has complied with all applicable requirements of the New Jersey residential and Building Codes, the International Fuel Gas code, the standards set forth in NFPA 31 and NFPA 211, and the Authority Having Jurisdiction.

The petitioner points out that N.J.A.C. 13:32A-1.1(b)2 exempts chimney service professionals from the requirements of N.J.A.C. 13:32A. The petitioner is concerned that this exemption is interpreted as applying only to the installation and servicing of chimneys or venting. The petitioner contends that individuals who install gas burning hearths and patio and barbecue appliances are acting within the scope of practice of chimney service professionals when they install gas lines. The recommended amendments to N.J.A.C. 13:32A-1.1 and 1.2 will clarify that N.J.A.C. 13:32A does not prohibit hearth product professionals from installing gas lines. Without these amendments, the petitioner contends that these individuals would be required to close their businesses.

A copy of this notice has been mailed to the petitioner pursuant to N.J.A.C. 1:30-3.6.