



April 5, 2017

Representative Paul Holvey, Chair
House Committee on Business and Labor
900 Court St. NE
Salem, OR 97301

RE: Northwest Code Professionals Testimony – Support for HB 2907

Jack Applegate, Manager

Thank you, Chair Holvey and honorable members of the committee, for taking the time to hear our testimony today.

My name is Jack Applegate, Manager of Northwest Code Professionals (NWCP). I am a disabled Desert Storm and Desert Shield veteran and former US Navy Seabee who proudly defended our great state and our country and who today still defends those rights of citizens wanting to be treated fairly. Without bias based on race, religion, identity, sex or who we may freely choose to be employed by.

As Oregonians I feel we all agree that citizens all deserve that basic fairness and equality under the laws written in this building. I started in the construction industry in 1986. I am a third-generation building code official in Oregon and consider myself fortunate that knowledge was passed down to me from my grandfather and father who both served Oregon's citizens as licensed electricians, licensed electrical supervisor's and state certified electrical inspectors. My elders worked with care, maintained technical skills and provided customer service with pride for more than 3 decades in Oregon while protecting its citizens from electrical hazards. These retired electrical union members both had supervising electrical supervisors license numbers in the single digits and passed down their knowledge and experience to hundreds of trades people and inspectors including myself.

NWCP is an employee owned small business that has been providing valuable, necessary, highly technical and much needed third party permit and inspection services in Oregon since 1973. With Offices in Eugene, Florence and Southern Oregon, NWCP has been assisting city and county jurisdictions with key services predating the existence of both the Oregon statewide building code and the Oregon Building Codes Division itself. NWCP has provided much needed services on a full time and/or part time basis to more than 35 Cities and 5 Counties in Oregon.

HB2907 is significant in ensuring enough inspectors and plans examiners are available throughout the state, wherever any small business currently serves its City and County Jurisdictions throughout Oregon.

The only technical difference between a government employed specialized inspector certification and the private specialized inspector certification is that the inspector is employed by a small business and not directly by a City or County. These properly trained and licensed Oregon code officials attended the



same mandated State training provided by Oregon Building Codes Division. They took the same required testing and they all have the same continuing education requirements as all other jurisdictionally employed inspectors in Oregon. If I was to walk down the street tomorrow switch jobs and become a City of Eugene employee I could use my specialized inspector certification once again without any additional training or testing requirement or face the bias as I now face under the current rules. Let's face it that is just not fair and makes no sense on any practical or technical level.

The loss of the third party certified citizens' ability to use the specialized inspector certifications began in January of 2017 and was based in my opinion on an unintentional and unfair result of a 2013 Bill. That bill was intended to provide more flexibility for inspector certification rules in Oregon and to assist in the impending enormous shortage of available certified inspectors. The LOC who led that 2013 effort in gaining flexibility for inspection certifications is in full support of the proposed fix presented in HB2907. No testimony was given that indicated these certifications would be stripped from only one group of private Oregon citizens affecting the lives of more than 80 people in working families in our company alone. This correction is about fairness to working families and small business in Oregon. The mistake has created an unfair bias making inspection coverage more expensive, more difficult and causing delays for permit holders, home builders and jurisdictions across the state.

According to a 2014 survey by the International Code Council out of the 3,850 responses received from representatives of all 50 states, a massive eighty-five percent of the survey respondents were over the age of 45. Only three percent were under age 35. **Eighty percent** surveyed planned to retire within 15 years, and a full **thirty percent** within just five years.

It is undoubtedly not the time to take away hard earned inspector certifications in Oregon based simply upon who signs the paycheck. The likely thing to happen is that inspectors will again leave Oregon and other potential skilled workers will not come to Oregon searching for work and the State will lose people at a time they are needed most to help ensure Oregon's construction Industry keeps moving forward. This Bill can help avoid a potential disaster by preventing costly construction delays and delayed response to inspection requests and slowed permit issuance processes for Oregon's construction industry.

HB2907 provides a simple and fair fix to the unforeseen consequences of that last minute un-scrutinized change made to the 2013 bill. That amendment when proposed did not adequately justify or even evaluate claims of not having a financial impact on construction, small business or government services as it should have.

It is my goal today to work towards once again have the right to use these two certification categories which only affect very small commercial plumbing and electrical projects. The certifications have a very limited and defined scope which does not apply to large commercial projects or highly technical inspections.

The flexibility it would once again provide will allow us to help keep building permit costs down and keep projects moving forward quickly throughout the state. In doing so it would allow us to provide much needed assistance to our partner cities and counties who urgently need our most technically



trained and certified commercial inspectors for the bigger more technical projects like stadiums, schools, hospitals and other larger commercial facilities. This would allow us to once again use our specialized plumbing and electrical inspectors for those small simple inspections elsewhere. This bill would again authorize the use of “Specialized Inspector Certifications” that were earned through extensive cost to individuals and/or small businesses.

The specialized inspector certifications are the key for private small business in keeping City and County services more affordable and functional in their most critical times of need.

Due to these restrictions, currently in place NWCP in the last year has been forced to turn down the opportunity to provide emergency assistance to multiple cities and counties needing help and we have also had to reject new hires who could have had strong wage earning jobs but only lacked the ability to use these specialized inspector certifications. I had to turn down the hiring of 9 separate code officials, both women and men who were otherwise well qualified between 2016 and now because of the inability to use the specialized inspector certification. I personally had this certification authorization stripped from me and it has affected my ability to be hired, make money at the deserved level and to hire people eager to work in Oregon.

I am respectfully asking you today for support of this important bill not only as the manager of a small business tasked with the responsibility to ensure that its 34 employees receive a fair shot, but also on a personal level. As a citizen of Eugene Oregon, a war veteran, a husband, a father of 5, a mentor and former adjunct instructor to community college students, I merely ask only that this simple bill be reviewed on its merits, the facts presented and that simple fairness is restored so those values in this country I voluntarily risked my life to defend are upheld for everyone in our industry.

Respectfully,

Jack E. Applegate, BO, CHI
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Citations

International Code Council Research Study: <https://c.ymcdn.com/sites/www.nibs.org/resource/resmgr/ncgbcbs/future-of-code-officials.pdf>