

Occupational Authorizations

for the meeting of the
 ALC-OCCUPATIONAL LICENSING REVIEW SUBCOMMITTEE
 Thursday, February 15, 2024 at 2:00 PM

Arkansas Liquefied Petroleum Gas Board**BD – BOBTAIL DELIVERY**

Authorization Type: Certification # of Individuals Regulated:

Entity Division Name: Energy and Environment / Liquefied Petroleum Gas Board

Scope of Practice: This Certification allows the employee to transport and deliver propane utilizing a bobtail truck. It is critical that these employees be properly trained in the loading of bobtails as well as the filling of LP-Gas storage tanks to prevent overfilling which would create a hazardous situation. These employees must also maintain a working knowledge of industry specific valves and gauges as well as pumps, meters, and other equipment associated with a delivery bobtail. These employees must have a working knowledge of the most recent edition of the Arkansas LP-Gas code as well as NFPA58 and NFPA54. These employees are employed by Class 1 Permit holders.

Statutory Requirement(s): This certification is required by the State of Arkansas through the Liquefied Petroleum Gas Containers and Equipment Code. Act 31 of 1965.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	BD Certification	\$25.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Certification_Rule.docx

Supporting Evidence Documents

No Supporting Evidence Documents Provided

BSI – BULK STORAGE INSTALLATION

Authorization Type: Certification # of Individuals Regulated:

Entity Division Name: Energy and Environment / Liquefied Petroleum Gas Board

Scope of Practice: This Certification allows the employee to install LP-Gas bulk storage containers. It is critical that these employees be properly trained in the appropriate materials to be used, the proper method of installation, and proper pressure testing to ensure a leak free installation. Employees holding this Certification must have a working knowledge of the most recent edition of the Arkansas LP-Gas code as well as NFPA58 and NFPA54. These employees are employed by Class 2 Permit holders.

Statutory Requirement(s): This certification is required by the State of Arkansas through the Liquefied Petroleum Gas Containers and Equipment Code. Act 31 of 1965.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from

Arkansas Liquefied Petroleum Gas Board (Continued)

BSI – BULK STORAGE INSTALLATION (Continued)

accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	BSI Certification	\$25.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Certification_Rule.docx

Supporting Evidence Documents

No Supporting Evidence Documents Provided

CAF – CYLINDER FILLING

Authorization Type: Certification # of Individuals Regulated:

Entity Division Name: Energy and Environment / Liquefied Petroleum Gas Board

Scope of Practice: This Certification allows the employee to fill propane cylinders, motor fuel, and RVs. It is critical that these employees be properly trained to prevent the overfilling of containers which would be hazardous to the end user (Consumer). These employees must have a working knowledge of the most recent edition of the Arkansas LP-Gas code as well as NFPA58. These employees are employed by Class 1 & Class 3 Permit holders.

Statutory Requirement(s): This certification is required by the State of Arkansas through the Liquefied Petroleum Gas Containers and Equipment Code. Act 31 of 1965.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	CAF Certification	\$25.00	Annually

Administrative Rules Documents

No Administrative Rules Documents Provided

Supporting Evidence Documents

No Supporting Evidence Documents Provided

CD – CYLINDER DELIVERY

Authorization Type: Certification # of Individuals Regulated:

Entity Division Name: Energy and Environment / Liquefied Petroleum Gas Board

Scope of Practice: This Certification allows the employee to transport DOT/ASME cylinders only. It is critical that these employees understand the proper handling of propane cylinders and the positioning of the relief valve while transporting in the horizontal position. A relief valve discharge of propane liquid would create a

Arkansas Liquefied Petroleum Gas Board (Continued)

CD – CYLINDER DELIVERY (Continued)

hazard for all in the immediate vicinity. These employees are employed by Class 3 Permit holders.

Statutory Requirement(s): This certification is required by the State of Arkansas through the Liquefied Petroleum Gas Containers and Equipment Code. Act 31 of 1965.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

Yes

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	CD Certification	\$25.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Certification_Rule.docx

Supporting Evidence Documents

No Supporting Evidence Documents Provided

GI – GENERAL INSTALLATION

Authorization Type: Certification # of Individuals Regulated:

Entity Division Name: Energy and Environment / Liquefied Petroleum Gas Board

Scope of Practice: This Certification allows the employee to install LP-Gas containers, run plumbing, and install appliances. It is critical that these employees be properly trained in the appropriate materials to be used, the proper method of installation, and proper pressure testing to ensure a leak free installation. Pressure testing is the most important method we have of ensuring the consumer of a safe installation. Employees holding this Certification must have a working knowledge of the most recent edition of the Arkansas code as well as NFPA58 and NFPA54. These employees are employed by Class 1 Permit Holders.

Statutory Requirement(s): This certification is required by the State of Arkansas through the Liquefied Petroleum Gas Containers and Equipment Code. Act 31 of 1965.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

Yes

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	General Installation Certification	\$25.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Certification_Rule.docx

Supporting Evidence Documents

No Supporting Evidence Documents Provided

Arkansas Liquefied Petroleum Gas Board (Continued)

PI – PLUMBING INSTALLATION

Authorization Type: Certification # of Individuals Regulated:

Entity Division Name: Energy and Environment / Liquefied Petroleum Gas Board

Scope of Practice: This Certification allows the individual to install LP-Gas plumbing and install appliances. It is critical that these employees be properly trained in the appropriate materials to be used, the proper method of installation, and proper pressure testing to ensure a leak free installation. Pressure testing is the most important method we have of ensuring the consumer of a safe installation. Employees holding this Certification must have a working knowledge of the most recent edition of the Arkansas LP-Gas code as well as NFPA58 and NFPA54. These employees are employed by Class 3, as well as Class 10, permit holders.

Statutory Requirement(s): This certification is required by the State of Arkansas through the Liquefied Petroleum Gas Containers and Equipment Code. Act 31 of 1965.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

Yes

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	PI Certification	\$25.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Certification_Rule.docx

Supporting Evidence Documents

No Supporting Evidence Documents Provided

SS – SAFETY SUPERVISOR

Authorization Type: Certification # of Individuals Regulated:

Entity Division Name: Energy and Environment / Liquefied Petroleum Gas Board

Scope of Practice: This Certification designates the individual as a Safety Supervisor and can perform all industry related functions. Each Class 1 Permit holder must employ at least one Safety Supervisor to oversee the daily operation of the facility and all LP-Gas industry phases. It is critical that these employees are properly trained in all phases of the industry to mitigate and avoid all hazardous situations that may arise. These employees oversee the training of all other personnel and act as a liaison between the industry and the consumer. These employees must maintain a working knowledge of all equipment, valves, and materials utilized in the industry. These employees must have a working knowledge of the most recent edition of the Arkansas LP-Gas code as well as NFPA58 and NFPA54. These employees are employed by Class 1 Permit holders.

Statutory Requirement(s): This certification is required by the State of Arkansas through the Liquefied Petroleum Gas Containers and Equipment Code. Act 31 of 1965.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

Yes

Arkansas Liquefied Petroleum Gas Board (Continued)**SS – SAFETY SUPERVISOR (Continued)****Fees & Penalties**

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	SS Certification	\$25.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Safety_Supervisor_Rule.docx

Supporting Evidence Documents*No Supporting Evidence Documents Provided***TD – TRANSPORT DELIVERY**

Authorization Type: Certification # of Individuals Regulated:

Entity Division Name: Energy and Environment / Liquefied Petroleum Gas Board

Scope of Practice: This Certification allows the individual to transport and deliver propane utilizing a tractor trailer transport truck. It is critical that these employees be properly trained in the loading of transports as well as the filling of large LP-Gas storage tanks to prevent overfilling, which would create a hazardous situation. These employees must also maintain a working knowledge of industry specific valves and gauges as well as pumps, meters, and other equipment associated with a tractor trailer transport. These employees must have a working knowledge of the most recent edition of the Arkansas LP-Gas code as well as NFPA58. These employees are employed by Class 5 Permit holders.

Statutory Requirement(s): This certification is required by the State of Arkansas through the Liquefied Petroleum Gas Containers and Equipment Code. Act 31 of 1965.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	TD Certification	\$25.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Certification_Rule.docx

Supporting Evidence Documents*No Supporting Evidence Documents Provided*

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

Arkansas Liquefied Petroleum Gas Board

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization?

Yes, due to the physical properties of propane and its common uses today, substantial harm, including death could result from untrained individuals providing installation, transportation, and handling of Liquefied Petroleum (LP) Gas.

What instances of specific and substantial harm have been documented in the past year?

The National Fire Protection Association has reported that nationally propane is the cause of 2900 residential fires annually that result in 25 civilian deaths and 155 civilian injuries. In addition, the Consumer Product Safety Commission has reported an average of 600 fires nationally involving propane grill cylinders that resulting in 30 civilian injuries annually. Over the last 12 months there were 4 reported incidents involving propane in Arkansas:

2/2/2023 – A transport traveling west on 306 northeast of Cotton Plant left the road and overturned. There was no release of product. The driver was unharmed. There was damage to the tractor and trailer and minor property damage.

5/8/2023 – An unintended release of propane occurred at a farm located in Crittenden County. No damage was reported. The dealer responded, isolated, and repaired the leak.

7/17/2023 – An unintended release of propane occurred in Baxter County when a vehicle left the road impacting a 500-gallon propane tank located at a residence. Approximately 150 gallons of propane was released. Minor property damage was reported. The dealer responded, repaired the plumbing and reset the tank.

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11/2/2023 – An unintended release of propane resulted in an explosion at the Doughboy manufacturing facility located in West Helena. An employee overfilled a forklift cylinder causing the relief valve to discharge resulting in a fire. The fire impinged on a propane cylinder causing the metal to weaken which resulted in a boiling liquid expanding vapor explosion. The incident resulted in one employee being transported to Memphis for extensive burns. Two forklifts were consumed in the fire as well as the refueling site.

We are aware that many additional incidents occur every year that are not reported to the LP Gas Board (Board), including incidents with grill cylinders and 1-lb disposable cylinders where the consumer does not have a relationship with a dealer and would have no reason to report.

2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners?

Because we require the dealer to inspect and perform a pressure test prior to placing a system into service, nearly all inferior work that may result in harm or injury is discovered and repaired. We received roughly a dozen complaints during 2023 involving piping installations performed by plumbers and electricians not certified by the Board. The complaints came from consumers and our Class 1 Dealers who discovered issues prior to placing a system in service. An individual who holds a master plumbers license from the state is not required to be certified by the Board. No electrician can legally provide plumbing installations of LP-Gas. These electricians were expediting the installation of backup generation.

What specific action was taken by the occupational entity?

When a licensed master plumber is involved, we work with the plumber and our Class 1 Dealer to repair or fix the issue prior to the Class 1 Dealer placing the system in service. In the event that the issue is with an electrician we train them in proper plumbing installation and then permit the company and certify their employees.

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3. **How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners?**

Over the past 12 months we have documented 15 complaints involving permit holders. These complaints range from pricing concerns to tanks not being picked up when requested to cylinders being overfilled.

What specific action was taken by the occupational entity?

If the complaint is financial in nature, such as pricing or billing, we refer the consumer to the Attorney General’s consumer complaint division. The LP Gas Board does not have statutory authority over these financial issues. The majority of the complaints we received involved tanks that were not picked up for an extended amount of time following request from the consumer. In these cases, we notify the Class 1 Dealer and request they pick up their tank. We received one complaint regarding overfilling of a cylinder. Overfilling a cylinder is very dangerous. In this case it involved a Class 3 Dealer (Cylinder Refilling Permit). We suspended the permit and required all certified employees to be retrained and retested.

4. **Were any applicants who otherwise met authorization requirements denied an authorization in the past year? No If so, why? N/A**
5. **How much does the occupational entity collect annually in fees, and what are annual expenses?**

<u>FY'</u>	<u>Revenue</u>	<u>Expenses</u>
<u>21</u>	<u>\$691,000</u>	<u>\$414,000</u>
<u>22</u>	<u>\$676,000</u>	<u>\$443,000</u>
<u>23</u>	<u>\$664,000</u>	<u>\$516,000</u>

Historically the Board’s revenue has exceeded expenses by around \$100,000 annually.

How much money does the occupational entity have in reserves?

7/01/2023 - \$2,000,994.33 1/5/2024 - \$1,976,038.16

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Occupational Entity Questionnaire

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6. **If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? 2019 For what purpose? Vehicle Replacement**
7. **Does the occupational entity have any other sources of revenue? No. Could occupational authorization fees be reduced without causing the occupational entity to be underfunded?**
Yes. In 2023, Secretary Khoury, the Board, the legislature, and the Governor's Office collaborated on a bill to clarify the existing statute that allows the Board to suspend certain fees when the Board has sufficient funding in reserves (Act 349). The Board voted during the June 2023 board meeting to suspend all inspection and registration fees for FY24. Board received a report at its December meeting that this action had already resulted in a savings of \$100,000 to the industry. It is estimated that by the end of FY24, the industry will have saved \$250,000 as a result of the suspension.
8. **How many applicants for the occupational authorization fail each year?**
None. In the past, individuals have withdrawn their application for a permit, but the Board has never voted or denied the issuing of a permit if all requirements are met.
Does the occupational entity track how many applicants that do not progress are veterans, women, or minorities?
No. As mentioned above, this does not happen.
9. **Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)?**
Yes. What percentage of applicants complete apprenticeships? 100%. We require on the job training of 30 days prior to certification. All applicants complete certification with the exception of those who resign or are terminated by the permit holder prior to the 30 days.
10. **In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders?**
Removal of occupational authorization would likely be harmful to current holders. Many dealers have worked to establish their business for many years and their ownership is

ALC – Occupational Licensing Review Subcommittee
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often generational. Removal or reduction of authorizations could have a substantial financial impact on the dealer's ability to train and retain qualified personnel and training, as well as participate in safety equipment and consumer awareness programs. Any incident involving propane does not just affect the responsible party but the industry as a whole. As incidents occur in greater frequency due to untrained or undertrained personnel, the financial impact would increase on those who have established businesses.