



STATE OF ALASKA  
OFFICE OF THE LIEUTENANT GOVERNOR  
JUNEAU

MEMORANDUM

**To:** Sharon Busch, AAC Contact  
Department of Labor & Workforce Development  
**Date:** August 29, 2008

**From:** Jason Hooley  
Special Assistant *JH*  
**Telephone:** (907) 465-4082

**Re:** Filed Permanent Regulations: Department of Labor & Workforce Development

Labor Standards and Safety: 8 AAC 61.680(b), (e); 8 AAC 61.720(c), (e), (f); 8 AAC 61.730; 8 AAC 61.740(b); 8 AAC 62.020; 8 AAC 62.030; 8 AAC 62.055(a), (d); 8 AAC 62.056; 8 AAC 62.059; 8 AAC 62.070(1), (6), (7); 8 AAC 63.010; 8 AAC 70.025; 8 AAC 70.035; 8 AAC 77.025(e); 8 AAC 77.06

---

Attorney General File: 993-08-0101  
Regulation Filed: 8/28/2008  
Effective Date: 9/27/2008  
Print: 187, October 2008

cc with enclosures:

Linda Miller, Department of Law  
Judy Herndon, LexisNexis  
Eugene Harnett, Administrative Regulation Review Committee  
Liz Williams, Administrative Regulation Review Committee  
✓ Al Nagel, Department of Labor & Workforce Development

Register 187 Oct 2008 LABOR AND WORKFORCE DEV.

8 AAC 61.680(b) is repealed:

(b) Repealed 9/27/2008

8 AAC 61.680(e) is amended to read:

(e) In this section,

(1) "industrial hygienist" means a person who has a bachelor of science degree in an environmental or health-related science, with training in chemistry and toxicology, and at least two years of experience in industrial health;

(2) "safety professional" means an individual who, by virtue of specialized knowledge and skill, has achieved professional status in the safety field [; AND

(3) "SUPERVISION" DOES NOT REQUIRE THE CONSTANT PRESENCE OF THE SUPERVISOR ON THE PREMISES]. (10/1/85, Register 96; am 2/7/86, Register 97; am 9/10/99, Register 151; am 9/27/2008 Register 187)

**Authority:** AS 18.31.020 AS 18.31.200

The lead-in language of 8 AAC 61.720(c) is amended to read:

(c) The department will issue an initial certificate that is valid for one year from the date of successful completion of the initial course or, in the case of renewal, one year from completion of the renewal training course [THE EXPIRATION DATE OF THE PREVIOUSLY ISSUED CERTIFICATE]. The certificate will contain the following information:

...

Register 187, Oct. 2008 LABOR AND WORKFORCE DEV.

8 AAC 61.720(e) is amended to read:

(e) A person who has successfully completed the initial or renewal course must [, WITHIN 45 CALENDAR DAYS OF COMPLETING THE COURSE,] submit an application to the department for certification to perform asbestos work.

8 AAC 61.720(f) is repealed:

(f) Repealed 9/27/2008

(Eff. 10/1/85, Register 96; am 11/7/93, Register 128; am 9/10/99, Register 151; am

9/27/2008, Register 187)

**Authority:** AS 18.31.020 AS 18.31.200

8 AAC 61.730 is amended to read:

**8 AAC 61.730. Certificate fees.** (a) An applicant shall pay a fee of \$100 [\$50] to the department for a certificate and \$25 for a duplicate certificate issued under 8 AAC 61.720.

(b) Repealed 9/10/99. (Eff. 10/1/85, Register 96; am 1/4/90, Register 113; am 11/7/93, Register 128; am 9/10/99, Register 151; am 6/14/2006, Register 178; am 9/27/2008 Register 187)

**Authority:** AS 18.31.020 AS 18.31.200

8 AAC 61.740(b) is repealed and readopted to read:

(b) A certificate issued under 8 AAC 61.720 may be renewed if

(1) the certificate holder pays the required fee under (c) of this section;

(2) an instructor of a training program approved under 8 AAC 61.660(a) certifies that the certificate holder has completed at least eight hours of instruction in an approved renewal course under (a) of this section that includes instruction in

(A) changes in state or federal regulations pertaining to asbestos abatement, if any;

(B) changes in the state-of-the-art of asbestos abatement practices and procedures, if any;

(C) the personal protective, decontamination, and disposal procedures set out in 8 AAC 61.700(a)(4) - (6); and

(D) a review of the key aspects of the initial training course that includes appropriate work practices, potential health effects related to asbestos exposure, respiratory protection programs and medical surveillance programs, additional safety hazards and medical monitoring; and

(3) the course is completed within one year of expiration of the previously issued certificate.

(Eff. 10/1/85, Register 96; am 11/7/93, Register 128; am 9/10/99, Register 151; am

9/27/2008, Register 187)

**Authority:** AS 18.31.020 AS 18.31.200

8 AAC 62.020 is amended by adding new paragraphs to read:

(9) whether the applicant is under indictment for or has been convicted of a crime as described in 18 U.S.C. 842(i)(1) or 8 AAC 62.030(a)(6);

Register 187, Oct. 2008 LABOR AND WORKFORCE DEV.

(10) documentation of completion of a training course that meets the requirements of 8 AAC 62.059;

(11) information related to any of the factors listed in 18 U.S.C. 842(i)(1) - (7).

8 AAC 62.020 is amended by adding a new subsection to read:

(b) The application must include two copies of the applicant's fingerprints and fees as required under AS 08.52.035. (Eff. 1/2/71, Register 36; am 5/26/79, Register 70; am

9/27/2008, Register 187)

Authority: AS 08.52.010 AS 08.52.030 AS 08.52.035

8 AAC 62.030(2) is amended to read:

(2) has at least six months of documented, hands-on [MONTHS] experience in this state as a chuck tender, driller, or helper of a holder of a certificate of fitness;

8 AAC 62.030(4) is amended to read:

(4) pays a \$150 [\$100] fee; [.]

8 AAC 62.030 is amended by adding new paragraphs to read:

(5) is not under indictment for, and has not been convicted of, a crime as described in 18 U.S.C. 842(i)(1);

(6) is not under indictment for, and has not been convicted of, any of the following crimes:

(A) a misdemeanor, including an attempted misdemeanor, under AS 11.41 (Offenses Against the Person), or an offense under a law or ordinance of another jurisdiction having elements similar to that offense;

(B) a misdemeanor, including an attempted misdemeanor, under AS 11.46 (Offenses Against Property), or an offense under a law or ordinance of another jurisdiction having elements similar to that offense;

(C) a misdemeanor involving domestic violence; in this subparagraph, "misdemeanor involving domestic violence" means a misdemeanor within the meaning of "crime involving domestic violence" in AS 18.66.990; and

(7) would not be prohibited from transporting, possessing, storing, or manufacturing explosives under 18 U.S.C. 842(i)(2) - (7). (Eff. 1/2/71, Register 36; am 5/26/79, Register 70; am 7/31/86, Register 99; am 11/7/93, Register 128; am 9/27/2008, Register 187)

**Authority:** AS 08.52.010 AS 08.52.030 AS 08.52.050  
AS 08.52.020 AS 08.52.040

8 AAC 62.055(a)(2) is amended to read:

(2) pays a **\$150** [\$100] fee; **and** [.]

8 AAC 62.055(a) is amended by adding a new paragraph to read:

(3) provides proof of having completed, within 18 months before application for renewal,

(A) the 32-hour initial training course required under 8 AAC 62.059; or

(B) the eight-hour refresher course required under 8 AAC 62.059.

8 AAC 62.055 is amended by adding a new subsection to read:

(d) The application must include two copies of the applicant's fingerprints and fees as required under AS 08.52.035. (Eff. 5/26/79, Register 70; am 7/31/86, Register 99; am 11/7/93, Register 128; am 9 / 27 / 2008 Register 187)

Authority: AS 08.52.010            AS 08.52.035            AS 08.52.050  
AS 08.52.030            AS 08.52.040

8 AAC 62 is amended by adding new sections to read:

**8 AAC 62.056. Renewal of a lapsed certificate of fitness.** (a) If a certificate of fitness is not renewed on or before its expiration date as established under AS 08.52.060, the certificate of fitness lapses.

(b) If a certificate of fitness is lapsed no more than 12 months, the holder may apply for renewal under 8 AAC 62.055. An applicant for renewal under this subsection must meet the requirements of 8 AAC 62.055. The applicant is not required to pass an examination.

(c) If a certificate of fitness is lapsed more than 12 months and less than five years, the holder may apply for renewal under 8 AAC 62.055. In addition to meeting the requirements of 8 AAC 62.055, an applicant for renewal under this subsection must re-take and pass the examination required under 8 AAC 62.030(1).

(d) A certificate of fitness may not be renewed if it has been lapsed for five years or more. (Eff. 9 / 27 / 2008, Register 187)

**Authority:** AS 08.52.010            AS 08.52.040            AS 08.52.060  
AS 08.52.030

**8 AAC 62.059. Training requirements.** (a) For an applicant for a certificate of fitness to satisfy the training course requirement in 8 AAC 62.020, or for an applicant for renewal of a certificate to meet the refresher course requirement in 8 AAC 62.055, the applicant must document that the course provides at least

(1) 32 hours of instruction in the subject areas listed in (b) of this section, if the course is an initial training course;

(2) eight hours of instruction in the subject areas listed in (b) of this section, if the course is a refresher course.

(b) An initial or refresher course must include instruction in each of the following subject areas:

- (1) an introduction to being an explosives handler;
- (2) federal statutes and regulations that pertain to explosives handlers;
- (3) statutes and regulations of this state that pertain to explosives handlers;
- (4) types and properties of explosives;
- (5) initiation systems;
- (6) blast design;
- (7) environmental effects controlling blasting damage;
- (8) priming and loading operations;
- (9) blasting safety practices;

(10) transportation, recordkeeping, and cold weather operations;

(11) blasting calculations. (Eff. 9/27/2008 Register 187)

Authority: AS 08.62.010 AS 08.62.030 AS 08.62.040

8 AAC 62.070 is amended to read:

(1) "cause" means

(A) providing false [FALSIFICATION OF] information on the application furnished by the applicant or certificate holder [LICENSEE] to the department;

(B) evidence of improper handling, transportation, use, or storage of explosives by the applicant or certificate holder [LICENSEE];

(C) a mental or physical disability [IMPAIRMENT OR DEFECT] that, even with reasonable accommodation, would interfere with the applicant or certificate holder's [LICENSEE'S] safe handling of explosives;

(D) the applicant's or certificate holder's indictment for or conviction of a crime as described in 18 U.S.C. 842(i)(1) or 8 AAC 62.030(a)(6);

(E) prohibition of the applicant or certificate holder from transporting, possessing, storing, or manufacturing explosives under 18 U.S.C. 842(i)(2) - (7); or

(F) other conduct considered [UNSAFE] by the department to show the applicant not to be competent to hold a certificate of fitness as set out in 8 AAC 62.020(a);

Register 187, Oct. 2008 LABOR AND WORKFORCE DEV.

8 AAC 62.070 is amended by adding new paragraphs to read:

(6) "convicted" or "conviction" means a judgment entered by a court of competent jurisdiction in this state or another jurisdiction, either upon the entry of a plea, including a plea of no contest or nolo contendere, or after a bench or jury trial; "convicted" or "conviction"

(A) includes a suspended imposition of sentence, even if the conviction is formally set aside under AS 12.55.085; and

(B) does not include an executive order of clemency, or a record that has been expunged by order of a court;

(7) "indictment" means one of the following, pending adjudication or dismissal of the matter, or a decision by the district attorney's office not to prosecute:

(A) an indictment by information or presentment for an offense;

(B) an arrest and provision of a uniform summons and complaint for an offense. (Eff. 1/2/71, Register 36; am 5/26/79, Register 70; am 10/2/83, Register 87; am

9/27/2008, Register 187)

**Authority:** AS 08.52.010      AS 08.52.040

8 AAC 63.010 is amended to read:

**8 AAC 63.010. Minimum plumbing standards.** (a) The codes set out in this section are adopted in accordance with AS 18.60.705 as the minimum plumbing standards to be followed throughout the state. The Department of Labor and Workforce Development adopts the following codes by reference that are published by the International Association of Plumbing and

Register 187, Oct. 2008 LABOR AND WORKFORCE DEV.

Mechanical Officials (IAPMO) and were adopted by IAPMO at its 76th [71ST] annual conference, September 2005 [2002]:

(1) *Uniform Plumbing Code*, 2006 [2003] Edition, paragraphs 101.3 – 101.5.6, 103.5.1.1 – 103.5.1.4, 103.5.3 – 103.5.3.5, 103.5.5.1 – 103.5.5.2, 103.5.6.1 – 103.5.6.3, and 103.8.1 – 103.8.2 of chapter 1, chapters 2 through 10, chapter 11 excluding the requirements of section 1101.5, chapters 12 through 16 [15], and appendices A through L;

(2) *Uniform Swimming Pool, Spa and Hot Tub Code*, 2006 [2000] edition, excluding chapter 1, Administration;

(3) *Uniform Solar Energy Code*, 2006 [2000] edition, excluding chapter 1, Administration.

(b) Repealed 12/6/2003. (Eff. 8/5/72, Register 43; am 7/12/81, Register 79; am 11/1/2000, Register 156; am 9/25/2002, Register 163; am 12/6/2003, Register 168; am 9/27/2008, Register 187)

**Authority:** AS 18.60.705 AS 18.60.710

**Editor's note:** Copies of the codes adopted by reference in 8 AAC 63.010 are available at the International Association of Plumbing and Mechanical Officials, 5001 East Philadelphia Street, Ontario, California 91761-2816 [20001 WALNUT DRIVE SOUTH, WALNUT, CALIFORNIA 91789-2825]. In addition, the codes are available for inspection at the Lieutenant [LT.] Governor's Office, Juneau, Alaska.

As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125(b)(6) to reflect the name change of the Department of Labor to the

Register 187 Oct 2008 LABOR AND WORKFORCE DEV.

Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.

8 AAC 70.025 is amended to read:

**8 AAC 70.025. Minimum electrical standards.** (a) The **2008** [2005] Edition of the *National Electrical Code* (NFPA **70-2008** [70-2005]) adopted by the National Fire Protection Association on **June 3 - 7, 2007**, [MAY 26, 2004] and approved by the American National Standards Institute on **August 15, 2007**, [AUGUST 5, 2004] constitutes the minimum electrical code for the state and is adopted by reference.

(b) The **2007** [2002] Edition of the *National Electrical Safety Code* (**ANSI C2-2007**) [(ANSI C2-2002)], approved by the American National Standards Institute on **June 16, 2006** [JUNE 14, 2001], constitutes the minimum electrical safety standards of the state and is adopted by reference. (Eff. 4/27/96, Register 138; am 12/17/99, Register 152; am 9/25/2002, Register 163; am 6/14/2006, Register 178; am 9 / 27 / 2008, Register 187)

**Authority:** AS 18.60.580 AS 18.60.600

**Editor's note:** Copies of the *National Electric Code* and the *National Electrical Safety Code*, adopted by reference in 8 AAC 70.025, are available for public review at the Mechanical Inspection Section, Division of Labor Standards and Safety, Department of Labor and Workforce Development, 3301 Eagle Street, Suite 302, Anchorage, AK 99503; telephone (907) 269-4925. Additionally, copies of the *National Electric Code* may be obtained by contacting the National Fire Protection Association, One Batterymarch Park, Quincy, MA 02169-7471; telephone: (800) 344-3555; facsimile: (617) 770-0700; Internet address: <http://www.nfpa.org>. Copies of the

Register 187, Oct 2008 LABOR AND WORKFORCE DEV.

*National Electrical Safety Code* may be obtained by contacting the Institute of Electrical and **Electronics** [ELECTRONICAL] Engineers **Inc., 3 Park Avenue, New York, NY 10016-5997** [345 E. 47TH STREET, NEW YORK, NY 10017-2394].

8 AAC 70 is amended by adding a new section to read:

**8 AAC 70.035. Electrical maintenance.** For purposes of AS 18.60.640(a), new installations and alterations to existing installations do not include electrical maintenance. For purposes of this section,

(1) the replacement or repair of electrical utilization equipment or devices with equipment or devices having the same electrical and mechanical characteristics constitutes electrical maintenance, if the replacement equipment or devices do not

(A) need alteration or adaptation to be installed; or

(B) change the electrical load of the affected circuit; and

(2) the replacement of conduit or other wiring methods, or conductors, regardless of the length or amount, constitutes installation, and is subject to AS 18.60.580 - 18.60.660.

(Eff. 9 / 27 / 2008, Register 187)

**Authority:** AS 18.60.600 AS 18.60.640

8 AAC 77.025(e) is amended to read:

(e) The owner of an elevator or escalator shall maintain a legible and permanent record in the machine room or other approved location of any rescues, repairs, or services to the device. The record must show who performed the action, what action was taken, and the date of the

Register 187, Oct 2008 LABOR AND WORKFORCE DEV.

action. In addition, the record must show each variance approved under 8 AAC 77.085.

(Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152; am

9/27/2008, Register 187)

**Authority:** AS 18.60.800

8 AAC 77.065(a)(7) is amended to read:

(7) special inspections: travel costs, actual expense, and applicable per-hour

inspection time charge at \$200 [\$100] per hour [;

(A) REPEALED 10/21/92;

(B) REPEALED 10/21/92].

(Eff. 10/21/79, Register 72; am 7/11/84, Register 90; am 10/21/92, Register 124; am 7/13/96,

Register 139; am 12/17/99, Register 152; am 6/14/2006, Register 178; am 9/27/2008,

Register 187)

**Authority:** AS 18.60.800

The lead-in language of 8 AAC 80.010 is amended to read:

**8 AAC 80.010. Boiler and pressure vessel construction code.** (a) The department adopts by reference, the following sections and addenda in the 2007 [2004] edition of the American Society of Mechanical Engineers' *Boiler and Pressure Vessel Code* (ASME code) and addenda, as amended and interpreted as of July 2006 [2003]:

...

(In effect before 7/28/59; am 4/22/73, Register 45; am 11/22/75, Register 56; am 6/11/78,

Register 187, Oct 2008 LABOR AND WORKFORCE DEV.

Register 66; am 5/12/82, Register 82; am 6/21/84, Register 90; am 10/21/92, Register 124; am 12/17/99, Register 152; am 11/1/2000, Register 156; am 9/25/2002, Register 163; am 6/14/2006, Register 178; am 9/27/2008, Register 187

**Authority:** AS 18.60.180

8 AAC 80.020(6)(A) is amended to read:

(A) \$100 [\$75] per hour; and

8 AAC 80.020(6)(C) is amended to read:

(C) all transportation, travel, and actual expenses;

8 AAC 80.020(7) is amended to read:

(7) each certificate of inspection - \$55 [\$45]. (In effect before 7/28/59; am 11/22/75, Register 56; am 2/12/76, Register 57; am 3/29/78, Register 65; am 6/21/84, Register 90; am 7/1/84, Register 90; am 10/21/92, Register 124; am 12/17/99, Register 152; am 11/1/2000, Register 156; am 12/6/2003, Register 168; am 9/27/2008, Register 187)

**Authority:** AS 18.60.180 AS 18.60.340 AS 18.60.360

8 AAC 80 is amended by adding a new section to read:

**8 AAC 80.050. Boiler and pressure vessel inspection standards: installation; combination boiler-water heater units.** (a) The portion of the most current edition of the *National Board Inspection Code Manual for Boiler and Pressure Vessel Inspectors* addressing

Register 187, Oct 2008 LABOR AND WORKFORCE DEV.

installation must be used as a guideline if the manufacturer's recommendation is not available.

(b) A combination boiler-water heater unit must comply with the standards of the most current edition of the *National Board Inspection Code Manual for Boiler and Pressure Vessel Inspectors* that are applicable to both boilers and water heaters, with the most stringent standard to be applied in the event of a conflict between standards. (Eff. 9 / 27 / 2008, Register 187)

**Authority:** AS 18.60.315

8 AAC 80.130(a)(2) is amended to read:

(2) third class – at least

(A) 40 hours of classroom training and three months' experience in the operation, maintenance, or repair of boilers [OF A MINIMUM SIZE OF 3,500 POUNDS OF STEAM AN HOUR OR GREATER]; or

(B) six months' experience in the operation, maintenance, or repair of boilers [OF A MINIMUM SIZE OF 3,500 POUNDS OF STEAM AN HOUR OR GREATER];

(Eff. 6/21/84, Register 90; am 6/14/2006, Register 178; am 9 / 27 / 2008, Register 187)

**Authority:** AS 18.60.180 AS 18.60.395

8 AAC 80.900(a)(3)(A) is amended to read:

(A) power boiler – a boiler in which steam or other vapor is generated at a pressure of more than 15 psi for use external to itself [OR A WATER BOILER INTENDED FOR OPERATION IN EXCESS OF 160 PSI AT 250 DEGREES F.];

8 AAC 80.900(a)(3)(B) is amended to read:

(B) miniature boiler – a power boiler or high-temperature water boiler

**that** [WHICH] does not exceed the following limits:

(i) 16 inches [(410 MM)] inside diameter of shell;

(ii) 20 square feet [(1.9 M<sup>2</sup>)] heating surface; **this sub-**

**subparagraph is** [ ] not applicable to electric boilers [ ];

(iii) five cubic feet [(142 L)] gross volume exclusive of casing and insulation; and

(iv) 100 psi [(690 KPA GAUGE)] maximum allowable working pressure;

8 AAC 80.900(a)(3)(D) is amended to read:

(D) steam heating boiler – a [STEAM] boiler **designed to convert water into steam that is supplied to an external space heating system** [FOR OPERATION AT PRESSURES NOT TO EXCEED 15 PSI (103 KPA GAUGE)];

8 AAC 80.900(a)(3)(E) is amended to read:

(E) hot water heating boiler – a boiler **designed to heat water for circulation through an external space heating system** [IN WHICH NO STEAM IS GENERATED, FROM WHICH HOT WATER IS CIRCULATED FOR HEATING PURPOSES AND THEN RETURNED TO THE BOILER, AND THAT OPERATES AT A PRESSURE NOT TO EXCEED 160 PSI (1100 KPA GAUGE) OR A

Register 187, Oct. 2008 LABOR AND WORKFORCE DEV.

TEMPERATURE OF 250 DEGREES F. (121 DEGREES C.), AT OR NEAR THE BOILER OUTLET];

8 AAC 80.900(a)(3)(F) is amended to read:

(F) hot water supply boiler – a boiler used to heat water for purposes other than space heating [COMPLETELY FILLED WITH WATER THAT FURNISHES HOT WATER TO BE USED EXTERNALLY TO THE BOILER AT PRESSURES NOT TO EXCEED 160 PSI (1100 KPA GAUGE) OR AT TEMPERATURES NOT TO EXCEED 250 DEGREES F. (121 DEGREES C.), AT OR NEAR THE BOILER OUTLET]; [AND]

8 AAC 80.900(a)(3) is amended by adding new subparagraphs to read:

(H) electric boiler – a power boiler or a high-temperature water boiler in which the source of heat is electricity; and

(I) high-temperature water boiler – a water boiler intended for operation at pressures in excess of 160 psi or temperatures in excess of 250 degrees Fahrenheit;

8 AAC <sup>3</sup>80.900(a)(20) is amended to read:

(20) "automatic utility hot water heater [,]" [AS USED IN AS 18.60.210(a)(9),] means a vessel in which potable [HOT] water is heated by the combustion of fuel, by electricity, or by any other source, and withdrawn for external use [HEATER

(A) WITH A HEAT INPUT OF NO MORE THAN 200,000 BTU PER

Register 187, Oct. 2008 LABOR AND WORKFORCE DEV.

HOUR;

(B) WITH A NOMINAL WATER-CONTAINING CAPACITY OF NO MORE THAN 120 GALLONS;

(C) THAT HEATS WATER TO A TEMPERATURE OF NO MORE THAN 210 DEGREES FAHRENHEIT; AND

(D) WHERE THE PRIMARY HEAT ABSORBENT IS FOR POTABLE WATER SUPPLY];

8 AAC 80.900(a) is amended by adding a new paragraph to read:

(29) "combination boiler-water heater unit" means a water heating device that combines the function of an automatic utility hot water heater and a space heating boiler in a single unit.

(Eff. 6/21/84, Register 90; am 10/21/92, Register 124; am 12/17/99, Register 152; am 11/1/2000, Register 156; am 9/25/2002, Register 163; am 12/6/2003, Register 168; am 9 / 27 / 2008,

Register 187)

**Authority:** AS 18.60.180 AS 18.60.315

8 AAC 90.105 is amended by adding a new subsection to read:

(b) For purposes of AS 08.62.010, 08.62.070(1), and this section, work subject to the standards established in AS 18.60.580 does not include electrical maintenance within the limitations set out in 8 AAC 70.035. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am

9/27/2008, Register 187)

Register 187, Oct. 2008 LABOR AND WORKFORCE DEV.

**Authority:** AS 18.62.010 AS 18.62.070 [AS 23.05.060(5)]  
AS 18.62.060 AS 23.05.060

8 AAC 90.130(b)(1) is amended to read:

(1) submits documented proof on a notarized form provided by the department, or by notarized statements on letterhead stationery [STATIONARY] from employers, that the applicant has a minimum of 8,000 hours of legally obtained [HOURS'] work experience in work subject to standards established in AS 18.60.705 and 8 AAC 63.010, and passes an examination given by the department; an accredited apprenticeship classroom program or educational training in the plumbing field may be substituted for up to 1,000 hours of [1000 HOURS'] work experience in work subject to standards established in AS 18.60.705 and 8 AAC 63.010; or

8 AAC 90.130(c) is amended to read:

(c) The department will count no more than

**(1) 500 hours of plumber [PLUMBING] restricted PU work toward the [MINIMUM OF 8,000 HOURS OF] work experience required in (b)(1) of this section; or**

**(2) 2,000 hours of plumber restricted PG work toward the work experience required in (b)(1) of this section.** (Eff. 9/13/80, Register 75; am 12/25/98, Register 148; am 11/1/2000, Register 156; am 9/27/2008, Register 187)

**Authority:** AS 18.62.030 AS 18.62.060 AS 23.05.060  
AS 18.62.050 AS 18.62.070

Register 187 Oct 2008 LABOR AND WORKFORCE DEV.

The lead-in language of 8 AAC 90.135(b)(1) is amended to read:

(1) submits documented proof **of legally obtained experience** on a notarized form provided by the department, or by notarized statements on letterhead **stationery** [STATIONARY] from employers, that the applicant

...

(Eff. 9/13/80, Register 75; am 12/25/98, Register 148; am 9/27/2008, Register 187)

**Authority:** AS 18.62.030            AS 18.62.060            AS 23.05.060  
                 AS 18.62.050            AS 18.62.070

8 AAC 90.137(a) is amended to read:

(a) A plumber restricted PU certificate of fitness authorizes the holder of the certificate to install

(1) water service **pipng** [LINES] from the street, [OR] right-of-way [WATER] main, **water well, or storage tank** to the first stop valve **of** [WITHIN] the serviced structure **or other point of use or distribution on the serviced property;** [AND]

(2) **building sewer pipng from** [OR STORM LINES FROM THE STREET OR RIGHT-OF-WAY MAIN LINE TO] within two feet of a serviced structure **to a public sewer, private sewer, private sewage disposal system, or other point of disposal; and**

(3) **building storm drains that receive the discharge of roof drains, leaders, downspouts, or conductors, if the storm drains are installed from within two feet of a commercial structure, or from within two feet of a residential structure of four or more dwelling units, to the street, the right-of-way main line, or a point of disposal approved by**

the federal, state, or local agency having jurisdiction.

The lead-in language of 8 AAC 90.137(b)(1) is amended to read:

(1) submits documented proof **of legally obtained experience** on a notarized form provided by the department, or by notarized statement on letterhead **stationery** [STATIONARY] from employers, that the applicant has worked for at least 1,000 hours installing water, sewer, or storm lines subject to the standards established in AS 18.60.705 and 8 AAC 63.010, and passes an examination given by the department; or

...

(Eff. 12/25/98, Register 148; am 9/27/2008, Register 167)

**Authority:** AS 18.62.030            AS 18.62.060            AS 23.05.060  
                 AS 18.62.050            AS 18.62.070

8 AAC 90.140 is amended by adding a new subsection to read:

(d) If the holder of a plumber trainee certificate of fitness leaves the apprentice plumber program in which the trainee is indentured, the trainee shall surrender the certificate to the mechanical inspection section of the department or to the apprentice plumber program in which the trainee is indentured. The department will maintain the surrendered certificate of fitness until the date the certificate would normally expire, during which time the certificate will be returned at no additional charge to the trainee if the trainee is again properly indentured in an apprentice plumber program as described in (b)(1) of this section. If the trainee is not again indentured within the term of the surrendered certificate, the trainee must apply to renew the certificate

Register 187, Oct 2008 LABOR AND WORKFORCE DEV.

under 8 AAC 90.180(c) and pay the required fee in order to work again under a trainee certificate. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 12/25/98, Register 148; am 9/25/2002, Register 163; am 12/6/2003, Register 168; am 6/14/2006, Register 178; am 9/27/2008, Register 187)

**Authority:** AS 18.62.030 AS 18.62.060 AS 23.05.060  
AS 18.62.050 AS 18.62.070

8 AAC 90.160(b)(1) is amended to read:

(1) submits documented proof on a notarized form provided by the department, or by notarized statements on letterhead stationery from employers, that the applicant has a minimum of 8,000 **hours of legally obtained** [HOURS] work experience as an electrician performing work subject to standards of the *National Electrical Code* established in AS 18.60.580 and 8 AAC 70.025, and passes an examination given by the department; or (Eff. 9/13/80, Register 75; am 12/25/98, Register 148; am 12/17/99, Register 152; am 9/25/2002, Register 163; am 9 / 27 / 2008, Register 187)

**Authority:** AS 18.62.030 AS 18.62.060 AS 18.62.070  
AS 18.62.050

8 AAC 90.162(b)(1) is amended to read:

(1) submits documented proof on a notarized form provided by the department, or notarized statements on letterhead **stationery** [STATIONARY] from employers, that the applicant has a minimum of 8,000 **hours of legally obtained** [HOURS] work experience as a

Register 187 Oct. 2008 LABOR AND WORKFORCE DEV.

power lineman performing work subject to the *National Electrical Safety Code* established in AS 18.60.580 and 8 AAC 70.025, and passes an examination given by the department; or (Eff. 12/25/98, Register 148; am 9/25/2002, Register 163; am 9 / 27 / 2008, Register 187)

**Authority:** AS 18.62.030 AS 18.62.060 AS 23.05.060  
AS 18.62.050 AS 18.62.070

8 AAC 90.164(b)(1) is amended to read:

(1) submits documented proof on a notarized form provided by the department, or notarized **statements** [STATEMENT] on letterhead **stationery** [STATIONARY] from employers, that the applicant has a minimum of 4,000 **hours of legally obtained** [HOURS] work experience as a residential wireman, and passes an examination given by the department;

or

(Eff. 12/25/98, Register 148; 9 / 27 / 2008, Register 187)

**Authority:** AS 18.62.030 AS 18.62.060 AS 23.05.060  
AS 18.62.050 AS 18.62.070

8 AAC 90.165 is amended by adding a new subsection to read:

(e) If the holder of an electrician trainee or a power lineman trainee certificate of fitness leaves the apprentice electrician program in which the trainee is indentured, the trainee shall surrender the certificate to the mechanical inspection section of the department or to the apprentice electrician program in which the trainee is indentured. The department will maintain the surrendered certificate of fitness until the date the certificate would normally expire, during

Register 187, Oct 2008 LABOR AND WORKFORCE DEV.

which time the certificate will be returned at no additional charge to the trainee if the trainee is again properly indentured in an apprentice electrician program as described in (b)(1) of this section. If the trainee is not again indentured within the term of the surrendered certificate, the trainee must apply to renew the certificate under 8 AAC 90.180(c) and pay the required fee in order to work again under a trainee certificate. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 12/25/98, Register 148; am 12/17/99, Register 152; am 9/25/2002, Register 163; am [,] 12/6/2003, Register 168; am 6/14/2006, Register 178; am 9 / 27 / 2008 Register (187))

**Authority:** AS 18.62.030      AS 18.62.060      AS 18.62.070  
AS 18.62.050

8 AAC 90.192(b) is amended to read:

(b) An applicant for renewal of an electrician journeyman certificate of fitness must satisfactorily complete within the preceding 24-month period at least 16 hours of continuing education workshops, formal correspondence programs, [OR] individual study programs, [PROGRAM] or a combination approved by the department. At least eight hours must cover significant changes or updates to the National Electrical Code, as adopted by AS 18.60.580 and 8 AAC 70.025, and no more than eight hours may be industry related.

(Eff. 12/25/98, Register 148; am 9/25/2002, Register 163; am 9 / 27 / 2008, Register (187))

**Authority:** AS 18.62.030      AS 18.62.060      AS 23.05.060  
AS 18.62.050      AS 18.62.070

Register 187, Oct. 2008 LABOR AND WORKFORCE DEV.

8 AAC 90.196(a)(4) is amended to read:

(4) name of the **principal** [PRINCIPLE] instructor;

(Eff. 12/25/98, Register 148; am 9 / 27 / 2008, Register 187)

**Authority:** AS 18.62.020 AS 18.62.060 AS 23.05.060  
AS 18.62.050 AS 18.62.070

8 AAC 90 is amended by adding a new section to Article 8 to read:

**8 AAC 90.890. Work legally performed and experience legally obtained.** For purposes of compliance with a minimum work or experience requirement in this chapter, work is legally performed, and experience is legally obtained while performing work, if the work is performed

(1) for a contractor with a current, valid license, registration, certificate, or other credential required for practice of the contractor's trade or profession by the law of the jurisdiction in which the work is performed, and if the work is performed in the jurisdiction in which the contractor is licensed, registered, certificated, or otherwise credentialed; if the work is performed in a jurisdiction that does not require a license, registration, certificate, or other credential for practice of the contractor's trade or profession, the department will consider documented work or experience to be in compliance with this paragraph;

(2) under the direct supervision of a journeyman tradesperson; and

(3) in compliance with the laws of the jurisdiction in which the work is performed. (Eff. 9 / 27 / 2008, Register 187)

**Authority:** AS 18.62.020 AS 18.62.050 AS 18.62.060

8 AAC 90.900(2) is amended to read:

(2) "apprentice" means a worker at least 16 years of age who is **legally performing work** [EMPLOYED] to learn a skilled trade [THROUGH PARTICIPATION IN A SYSTEMATIC FORM OF INSTRUCTION AND ON-THE-JOB WORK EXPERIENCE DESIGNED TO PROVIDE THE WORKER WITH KNOWLEDGE OF THE THEORETICAL AND TECHNICAL SUBJECTS RELATED TO THE ELECTRICAL OR PLUMBING STANDARDS ADOPTED BY THE STATE];

8 AAC 90.900(6) is amended to read:

(6) "direct supervision" means that while the trainee is **legally performing work** to the standards established in either AS 18.60.580 and 8 AAC 70.025 or AS 18.60.705 and 8 AAC 63.010 a certified journeyman is on the same job site, on the same floor and in close and continual control of the trainee and is responsible for the competency of the work performed by the trainee;

8 AAC 90.900(12) is amended to read:

(12) "plumber journeyman" means a person who performs plumbing work in the installation, removal, alteration, or repair of plumbing and drainage systems, within the property lines of the premises; **in this paragraph, "plumbing and drainage systems"**

**(A) includes** [, INCLUDING] all

**(i) building supply and distribution piping for potable water;**

**(ii) water treating or utilization equipment;**

**(iii) plumbing fixtures and traps;**

**(iv) drainage and vent pipes;**

**(v) building drains and building sewers;**

**(vi) medical gas and medical vacuum systems;**

**(vii) liquid and fuel gas piping;**

**(viii) swimming pool, spa, and hot tub piping; and**

**(ix) [SUPPLY TREATING AND PIPING, DRAINS, VENTS,**

**INCLUDING THEIR] joints, connections, devices, receptacles, appurtenances,**

**water heaters, and vents for items listed in (i) - (viii) of this subparagraph and**

**within the property lines of the premises;**

**(B)** [SAME, GAS PIPING; A "DRAINAGE SYSTEM" IS ALL THE PIPING WITHIN PUBLIC OR PRIVATE PREMISES, BUT] does not include the mains of a public sewer system or a public sewage treatment or disposal plant;

8 AAC 90.900(14) is amended to read:

(14) "plumber restricted PU" means a person authorized with a certificate of fitness to install

(A) water service **pipng** [LINES] from the street, [OR] right-of-way [WATER] main, **water well, or storage tank** to the first stop valve **of** [WITHIN] the serviced structure **or other point of use or distribution on the serviced property;**

[AND]

(B) **building** sewer **pipng from** [OR STORM LINES FROM THE

STREET OR RIGHT-OF-WAY MAIN LINE TO] within two feet of a [THE] serviced structure to a public sewer, private sewer, private sewage disposal system, or other point of disposal; and

(C) building storm drains that receive the discharge of roof drains, leaders, downspouts, or conductors, if the storm drains are installed from within two feet of a commercial structure, or from within two feet of a residential structure of four or more dwelling units, to the street, the right-of-way main line, or a point of disposal approved by the federal, state, or local agency having jurisdiction;

8 AAC 90.900(17) is amended to read:

(17) "trainee" means an individual who is legally performing work [EMPLOYED] to learn a skilled trade on the job under the training and direct supervision of an experienced craft journeyman plumber or electrician and who, during the training, is given opportunities to develop progressive skills in that trade. (Eff. 9/13/80, Register 75; am 6/14/84, Register 90; am 12/25/98, Register 148; am 9/27/2008, Register 187)

**Authority:** AS 18.62.060 AS 23.05.060

ORDER ADOPTING CHANGES TO  
REGULATIONS OF DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

The attached 28 pages of regulations, dealing with explosive handler licensing, plumbing safety, electrical safety, boiler and pressure vessel code regulation, elevator safety standards and related inspection fees, and certificate of fitness application processes and fees, are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Labor and Workforce Development adopts under the authority of AS 23.20.045 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Labor and Workforce Development paid special attention to the cost to private persons of the regulatory action being taken.

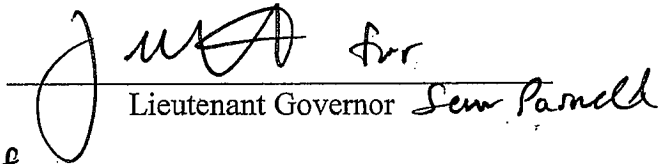
The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 8.13.2008  
Juneau, Alaska



Guy Bell, Assistant Commissioner

*Jason M. Hooley* FILING CERTIFICATION  
I, A Sean Parnell, Lieutenant Governor for the State of Alaska, certify that  
on August 28, 2008, at 3:56 p.m., I filed the attached regulations according to the  
provisions of AS 44.62.040 – 44.62.120.



Lieutenant Governor *Sean Parnell*

Effective: September 27, 2008

Register: 187, October 2008

FOR DELEGATION OF LIEUTENANT GOVERNOR'S AUTHORITY

I, SEAN PARNELL, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, as authorized by AS 44.62.080, designate the following Special Assistant to the Lieutenant Governor to perform the Administrative Procedures Act filing functions of the Lieutenant Governor:

Jason Hooley, Special Assistant, Office of the Lieutenant Governor

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, at Anchorage, on July 31, 2007.

*Sean Parnell*

SEAN PARNELL  
LIEUTENANT GOVERNOR

