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Flogas Natural Gas Ltd comments on "The Regulation of the Gas Installer Industry with Respect to Safety"

The Energy (Miscellaneous Provisions) Act 2006 and the Commission's Proposed Vision correctly set forward a system that imposes significant penalties on unregistered gas installers carrying out gas works, which we fully support. It addresses the current unacceptable situation whereby "cowboy" installers can operate with impunity and without sanction.

There are other issues involved which need to be taken into account by the Commission, however. While the Commission has made strenuous efforts to involve as many interested parties as possible, unregistered installers are not, and in practice cannot by their nature, be represented in the discussion process, so it is important that the Commission fully takes on their interests.

One issue is that it is critical that every effort is made to bring more installers into the new system (not just initially, but on an ongoing basis). If the new system just re-badges the existing RGI panel of installers then there is a real risk of a significant escalation of costs for the gas end-user. That situation will only dis-improve with time as the number of RGI installers will naturally decrease due to retirement and business failure. As against the current number of approximately 800 RGI installers, the new system must have a target of a minimum of 2,500 registered installers.

To do this, the system must be easy to apply for registration, and must allow for new entrants.

If the system relies on just the legislative "stick", there is a risk of the level of safety being reduced, rather than increased: all new installations by unregistered installers are individually checked, and there is no "stick" (apart from the cost of the check) to dissuade an installer from declaring that he is unregistered (on the Declaration of Conformity). With the new system, there is a risk of some of these installers going "underground" such as through fraudulent certificates, but then their installations will not be checked, thereby reducing safety.



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The system must restrict itself to the technical competence of the installer (with the possible exception of whether he is insured) and safety is the only brief the Commission has declared in its Proposed Vision. The Commission must also recognize that the system cannot replace "registers" that gas suppliers may keep, because there are other issues which a gas supplier may deem to be critical, such as whether a particular installer responds preferentially to a competitor's requests or even where an installer is suspected of passing sales leads to a competitor. Gas suppliers will always have requirements beyond the Commission's safety brief and the Commission needs to ensure that the registration system recognizes this: by keeping to this brief, the requirements and the application form can be (and must be) kept to an absolute minimum to avoid discouraging unregistered installers.

Experience in other jurisdictions would indicate that it is totally unrealistic to expect that unregistered installers will disappear after the implementation date. New companies will set up Ireland, and companies at the periphery of the industry (such as kitchen installers) will unknowingly stray into minor gas works. The only method of dealing with these on an ongoing basis in the Vision document is either ignoring them or prosecution. Prosecution is correctly the preferred option where the installer first comes to notice through an incident, but not necessarily otherwise, because of the danger of driving these "underground". There is a definite case for keeping a modified version of the Provisional Membership in 9.1.3 open on an ongoing basis. Where an installer first comes to notice through other avenues, such as a new connection being requested (as happens at present), the Supervisory Body should offer the installer the option of Provisional Membership (the unpalatable alternative being prosecution), with the additional requirement that during this provisional period, all installations are inspected by the Supervisory Body, at the expense of the installer. Despite the best attempts, and particularly in the years after the initial publicity, there will be some genuine installers who either are unaware of these regulations or genuinely misinterpret them, and decide they do not apply to their activities (such as by misunderstanding some aspect of the definition of Gas Works).

This also provides a mechanism that deals with another practical problem, installations that comply with the standards but completed by an unregistered installer, which are absolutely inevitable in practice. The only mechanism for



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dealing with these under the Vision document is that the installation has to be completely removed and replaced (potentially identically) by a registered installer. This may be acceptable in theory, but in practice will bring the system into public ridicule. The Supervisory Body (rather than any registered installer) needs to be able to inspect it, if necessary producing an intermediate "snag list", and certify it as safe, in a similar manner to what is proposed above for Provisional Membership.

The Provisional Membership mechanism can also be utilized for new companies being set up or existing companies extending their activities into gas. The reason is that the system must encourage and facilitate registration to maximize the number of registered installers. This approach should lead to a real improvement in safety without escalating installation costs.

Another issue that arises is the requirement for holding an appropriate craft certificate for full membership (in 9.1.1). The current system also allows the alternative of two years' suitable experience, with a letter to that effect from a gas shipper. There are a number of problems if this alternative option is dropped. Firstly, many existing competent registered installers will suddenly find themselves debarred. Secondly, you have to implement a cumbersome and unnecessary system of deciding what apprenticeships in all the other countries in the world are "appropriate". Thirdly, apprentices who are near the end of their apprenticeship who are made unemployed find themselves unable to ever complete their apprenticeship (since there is no incentive for another employer to employ them) and, being debarred from the system, will try to subvert the system, undermining rather than improving safety. Finally, and perhaps most importantly, completion of an apprenticeship (as against experience gained otherwise) should be totally irrelevant as to whether an applicant passes the assessment at the end of each entry-level training module: the assessment process must be self-sufficient and not dependent on unassessed training that an apprentice may or may not have undergone. It is fine for a non-entry level course to depend on an entry-level one (eg a GI3 requiring a prior GI1), but the system should not depend on unassessed requirements.

In addition, in 3.1.1, for non-domestic, the requirement for three appliance training certificates is totally irrelevant and has no basis in safety. I understand that it is a



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"holding position" until the development of the GIND course, but this "holding position" is adequately served by the GI1 requirement alone. If for some reason this is not acceptable, at least the alternative of (say) two years current experience in industrial gas work must be allowed.

In summary, to avoid end-user cost increases, potential reductions in safety, and a gradual decrease in registered installers, the system must encourage installer registration rather than rely solely on prosecution, through having a simple application system, and flexible yet safe entry requirement systems that do not include irrelevant barriers to entry.

Ciaran Costelloe
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