



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

Regulation of Gas Installers with respect to Safety

Definition for the Scope of Gas Works

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CER – Information Page

Under sections 12 and 13 of the *Energy (Miscellaneous Provisions) Act 2006*¹, the Commission has the responsibility to regulate the activities of natural gas undertakings and natural gas installers with respect to safety. To this end the Commission has set out its approach to the regulation of natural gas undertakings and natural gas installers in the decision papers, “*A Natural Gas Safety Regulatory Framework for Ireland*” (ref. CER/07/172) and “*Vision for the Regulation of Gas Installers with Respect to Safety*” (ref. CER/07/225). Sections 12 and 13 of the 2006 Act were commenced by the Minister² on March 11th, 2008.

The 2006 Act also provides that the Commission “*may by regulations designate a class or classes of works to be gas works.*” In this instance ‘works’ mean works which is related to the installation, removal, repair or replacement of a natural gas fitting. These regulations will set out the classes of work that can only be completed by a registered gas installer. Once in place it will be illegal for any person who is not a registered gas installer to undertake these classes of work subject to certain limited exceptions³. In essence by designating the classes of *gas works*, the Commission will set the scope of the system for regulation of gas installers with respect to safety.

The purpose of this consultation paper is to elicit industry and public comment on the Commission’s proposed definition of the scope of gas works. This consultation will be followed by a draft decision, which will also be published for industry and public comment. Finally, the Commission will issue a decision paper on the matter of *gas works* and this will be subsequently translated into regulations as required under the 2006 Act. This will take place before the end of 2008.

Target Audience:

This consultation paper is aimed at the natural gas installer industry and the general public.

Related Documents:

- [A Natural Gas Safety Regulatory Framework for Ireland \(ref. CER/07/172\) – 24th October, 2007.](#)

¹ Sections 12 and 13 of the 2006 Act amend the Electricity Regulation Act 1999 (the ‘1999 Act’) by inserting new provisions providing for the natural gas safety regulatory regime.

² Minister for Communications, Energy and Natural Resources

³ These certain limited exemptions are for system operators, gas emergency officers and gas safety officers carrying out their functions.

- [*Vision for the Regulation of Gas Installers with Respect to Safety* \(ref. CER/07/225\) – 18th December, 2007.](#)
- [*Launch of Process for the Designation of the Gas Safety Supervisory Body* – 22nd May, 2008.](#)
- [*CER – HSA Memorandum of Understanding* \(ref. CER/08/104\) – 25th June, 2008](#)
- [*Economic Regulation of the Gas Safety Supervisory Body and any Electrical Safety Supervisory Bodies to be designated by the Commission* \(ref. CER/08/108\) – 8th July, 2008.](#)
- [*Criteria Document for the Regulation of Gas Installers with respect to safety* \(ref. CER/08/130\) - 25th July, 2008.](#)
- Safety Regulation of the Liquefied Petroleum Gas Industry in Ireland – Consultation Paper (ref. CER/08/141) – 31st July, 2008.

Responses to this consultation should be returned by email, post or fax and marked for the attention of **Eamonn Murtagh** at the Commission at emurtagh@cer.ie .

The Commission intends to publish all submissions received. Respondents who do not wish part of their submission to be published should mark this area clearly and separately or enclose it in an Appendix, stating the rationale for not publishing this part of their comments.

Executive Summary

Under sections 12 and 13 of the *Energy (Miscellaneous Provisions) Act 2006* (the ‘2006 Act’)⁴, the Commission for Energy Regulation (the ‘Commission’) has the responsibility to regulate the activities of natural gas undertakings and natural gas installers with respect to safety. To this end, the Commission published its decision paper “*A Natural Gas Safety Regulatory Framework for Ireland*” (ref. CER/07/172) in October 2007, which sets out the Commission’s approach to the regulation of natural gas undertakings. In December 2007, the Commission published the decision paper “*Vision for the Regulation of Gas Installers with Respect to Safety*” (ref. CER/07/225) which sets out the Commission’s high level approach to the regulation of natural gas installers with respect to safety. Sections 12 and 13 of the 2006 Act were commenced by the Minister⁵ on March 11th, 2008.

The 2006 Act also provides that the Commission “*may by regulations designate a class or classes of works to be gas works.*” In this instance ‘works’ mean works which is related to the installation, removal, repair or replacement of a natural gas fitting. These regulations will set out the classes of work that can only be completed by a registered gas installer. Once in place it will be illegal for any person who is not a registered gas installer to undertake these classes of work subject to certain limited exceptions⁶. In essence by designating the classes of *gas works*, the Commission will set the scope of the system for regulation of gas installers with respect to safety.

In this consultation paper, the Commission presents proposals on the definition for the scope of *gas works* including:

1. Implement classes of gas works for those works on natural gas fittings in the domestic customer category at the commencement of the new regulatory system and the appointment of the Gas Safety Supervisory Body in January 1st 2009.
2. Extend the regulatory model and the definition of *gas works* to include those works on natural gas fittings used or designed to be used by commercial gas customers in the medium term (post 2010) when certain conditions exist.
3. Not extending the regulatory model and the definition of *gas works* to include those works on natural gas fittings used or designed to be used by Industrial gas customers at this stage.

⁴ Sections 12 and 13 of the 2006 Act amend the Electricity Regulation Act 1999 (the ‘1999 Act’) by inserting new provisions providing for the natural gas safety regulatory regime.

⁵ Minister for Communications, Energy and Natural Resources.

⁶ These certain limited exemptions are for system operators, gas emergency officers and gas safety officers carrying out their functions.

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1.0 Introduction

1.1 The Commission for Energy Regulation

The Commission for Energy Regulation (the ‘Commission’) is the independent body responsible for overseeing the regulation of Ireland's electricity and gas sectors. The Commission was initially established and granted regulatory powers over the electricity market under the *Electricity Regulation Act, 1999*. The enactment of the *Gas (Interim) (Regulation) Act, 2002* expanded the Commission's jurisdiction to include regulation of the natural gas market, while the *Energy (Miscellaneous Provisions) Act 2006*, granted the Commission additional powers in relation to gas and electricity safety. The *Electricity Regulation Amendment (SEM) Act 2007* outlined the Commission's functions in relation to the Single Electricity Market (SEM) for the island of Ireland. This market is regulated by the Commission and the Northern Ireland Authority for Utility Regulation (NIAUR). The Commission is working to ensure that consumers benefit from regulation and the introduction of competition in the energy sector.

1.2 Purpose of this paper

The purpose of this paper is to seek the views of the general public and industry stakeholders with regard to the Commission's proposed definition for the scope of *gas works*. In order to make an informed and impartial decision on this topic, the Commission wishes to obtain comments from members of the general public, natural gas installers and all other interested parties, particularly those in the natural gas industry. The Commission commits to considering all views equally and affording each respondent the opportunity to clarify any issue raised in this paper.

1.3 Background Information

Under the provisions of the *Energy (Miscellaneous Provisions) Act 2006* (the ‘2006 Act’), the Commission has the responsibility to regulate the activities of natural gas undertakings and natural gas installers with respect to safety. The Commission published its decision paper “*A Natural Gas Safety Regulatory Framework for Ireland*” (ref. CER/07/172) in October 2007, which sets out the Commission's approach to the regulation of natural gas undertakings which includes gas storage, liquefied natural gas (LNG), transmission, distribution and shipper and supplier businesses operating within Ireland. In December 2007, the Commission also published its decision paper “*Vision for the Regulation of Gas Installers with Respect to Safety*” (ref. CER/07/225), which sets out the Commission's high level approach to the regulation of natural gas installers with

respect to safety with the Framework. These documents provide the general context to this consultation paper.

In particular, the “*Vision for the Regulation of Gas Installers with Respect to Safety*” decision paper sets out the Commission’s approach to achieving its safety responsibilities with respect to gas installers through:

“Designating categories of gas works which may only be undertaken by individually registered installers who are competent, operating to the appropriate standard, using the appropriate materials, who will certify their work as safe and will be subject to ongoing regulation and inspection by the Gas Safety Supervisory Body”.

In this instance ‘works’ mean works which is related to the installation, removal, repair or replacement of a natural gas fitting. The Commission will designate class or classes of works to be *gas works* via regulations. These regulations will set out those classes of work that can only be completed by a registered gas installer. Once in place it will be illegal for any person who is not a registered installer to undertake these classes of work subject to certain limited exceptions.⁷ In essence by designating the classes of *gas works*, the Commission will set the scope of the regulatory system for gas installers.

To assist the Commission in defining categories of gas works, the NSAI/GTSC⁸ provided its considered view on the appropriate classes of works that should be designated as *gas works*. The GTSC submission provides an important input into the proposals set out in this consultation paper.

This consultation paper sets out the Commission proposed definition for the scope of *gas works*.

1.4 Structure of this paper

This paper is structured as follows:

- Section 2:** Describes the legislative context and provisions which underpin the designation of *gas works*.
- Section 3:** Outlines the high level potential options for the broad scope of *gas works*.

⁷ There are certain limited exemptions for system operators, gas emergency officers and gas safety officers carrying out their functions.

⁸ National Standards Authority of Ireland (NSAI)/ Gas Technical Standards Committee (GTSC)

Section 4: Provides an overview of the policy considerations with respect to any decision on the appropriate scope of *gas works*. This section also presents the NSAI/GTSC submission with respect to proposed classes for different types of gas works.

Section 5: Presents the Commission's proposals with respect to the definition of *gas works*, invites comment from the public and industry and sets out the Commission's proposed timetable for this consultation and the subsequent decision.

1.5 Scope of this paper

The scope of this consultation is strictly limited to the Commission's high level proposals for the broad scope of gas works with respect to natural gas. The issue of any potential extension of the Commission safety responsibilities to include LPG is currently the subject of a separate consultation process as to the most appropriate manner in which to implement Section 14 of the 2006 Act.

1.6 Responding to this paper

Comments should be sent to Eamonn Murtagh, Gas Safety Manager at emurtagh@cer.ie no later than 12th September, 2008. Comments in electronic format are preferable, however comments may also be posted to the Commission at the following address:

Eamonn Murtagh,
Gas Safety Manager,
Commission for Energy Regulation,
The Exchange,
Belgard Square North,
Tallaght,
Dublin 24

The Commission intends to publish all submissions received. Respondents who do not wish part of their submission to be published should mark this area clearly and separately or enclose it in an Appendix, stating the rationale for not publishing this part of their comments.

2.0 Consideration of Legislative Context & Provisions

2.1 Introduction

The 2006 Act is the principal legislation in the context of the Commission's new responsibilities with regard to the regulation of gas installers with respect to safety. The provisions relating to *gas works* are outlined in Section 2.2 of this paper. There are also a number of other Acts and Regulations which ought to be considered when determining the appropriate definition for the scope of *gas works*, which are discussed in Section 2.3.

2.2 The Energy (Miscellaneous Provisions) Act 2006

2.2.1 High level Provisions

Section 13 of the 2006 Act provides for –

- (1) *The Commission, having consulted with such persons as it considers appropriate, and with the consent of the Minister, may by regulations designate a class or classes of works to be gas works.*
- (2) *In this section 'works' means work which is related to the installation, removal, repair or replacement of a natural gas fitting.*

Section 11 of the 2006 Act defines a natural gas fitting as:

Any appliance, apparatus or other things including associated pipework and flueing which is used or designed to be used by –

- (a) a domestic customer, or*
- (b) such class or classes of industrial customer or commercial customers as the Commission may specify from time to time,*

in connection with the consumption or use of natural gas whether the appliance, apparatus or thing is the property of a natural gas undertaking or otherwise.

Once *gas works* are designated by the Commission, the 2006 Act makes it illegal for any person other than a registered gas installer to carry out such works.⁹ In such instances a person who is guilty of this offence will be liable to a fine of up to €5,000 and/or a prison term of up to six months upon summary conviction or conviction on indictment which can have an associated fine of up to €15,000 and/or a prison sentence of up to three years.

⁹ There are certain limited exemptions for system operators, gas emergency officers and gas safety officers carrying out their functions.

The above provisions have a number of implications. Firstly, from **a legal perspective**, the definition of *gas works* relates to a natural gas fitting which is used or designed to be used by a domestic customer or, if so decided by the Commission, commercial and industrial customers. Therefore in determining the scope of *gas works*, a definition of domestic, commercial and industrial gas customers is required. Proposals in this regard are set out in Section 3.2.

Upon the decision on the definition on the broad classes of customer categories, any regulations with respect to *gas works* must include works on natural gas fittings used or designed to be used by domestic customers. However the definition of a natural gas fitting gives a degree of discretion in whether the scope of *gas works* should include works on natural gas fittings used or designed to be used by commercial and industrial customers. **This represents the key policy decision for the Commission** and is the primary subject of this paper.

2.2.2 Specific Provisions

The 2006 Act also contains specific requirements related to *gas works* including:

- *gas work* must be carried out in accordance with the safety requirements specified by the Commission,
- gas installers must issue an appropriate completion certificate to the customer for any *gas work* carried out.
- the Commission is required to “*specify a form of completion certificate*” to be used by gas installers in the above instance.

The above provisions reinforce the link between the customer, the gas installer and the regulatory system, as illustrated in Diagram 1 below.

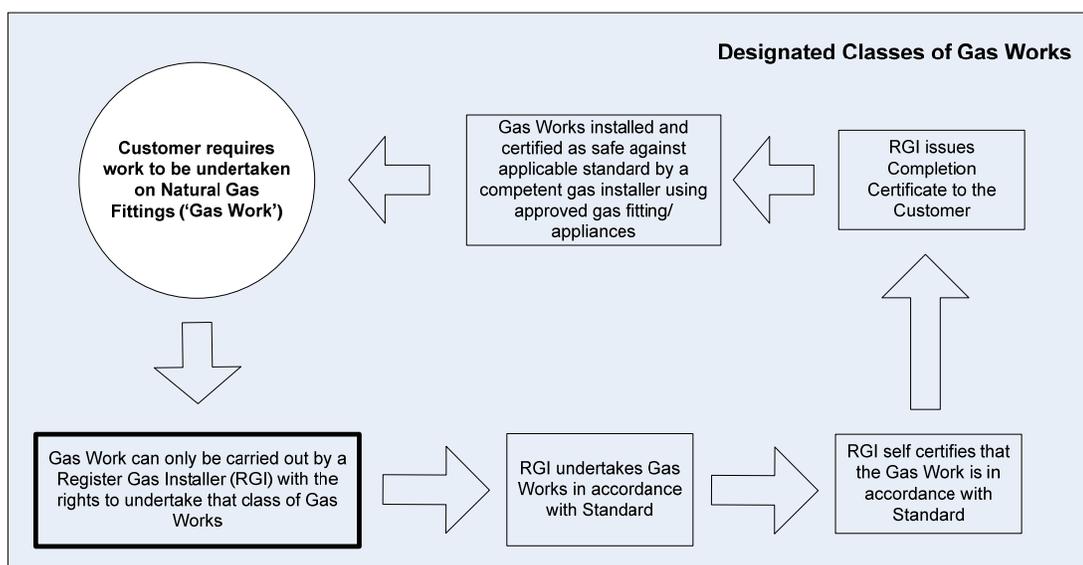


Diagram 1: Operation of the Regulatory System

2.3 Other Relevant Legislation

In addition to the 2006 Act, the *Safety, Health and Welfare at Work Act 2005* (the ‘2005 SHWAW Act’) and regulations made under that Act are also relevant to the definition of *gas works* **particularly with respect to gas installers operating in a non-domestic environment**. The 2005 SHWAW Act applies to safety in the workplace generally and includes a number of relevant general protective and preventative provisions such as hazard identification, risk assessment and the preparation of safety statements. Furthermore under Section 16 of the 2005 SHWAW Act a person who supplies any article for use at work, or any substance, must ensure that, so far as is reasonably practicable, the article or substance:

- is safe and without risk to health when used by a person at a place of work;
- is given only to those who have been provided with adequate information, and revisions of such information as may become available, about the use of the article or substance, and of any conditions relating to either;
- complies with relevant statutory provisions; and
- undergoes and has undergone appropriate testing to ensure its safety.

This duty falls on those who manufacture, design, import or supply any article for use in a place, and on those who erect, assemble or install articles for use at a place of work. There are also duties regarding testing, research and examination prior to use, and to disposal and dismantling of equipment after use.

The *Safety, Health and Welfare at Work (Construction) Regulations 2006* are also relevant “to the installation, commissioning, maintenance, repair or removal ofgas systems, or similar services which are normally fixed within or to a structure”. Section 17 of the Regulations state:

(1) A person who commissions or procures a project for construction work shall appoint in writing a competent person or persons for the purpose of ensuring, so far as is reasonably practicable, that the project—

- (a) is designed and is capable of being constructed to be safe and without risk to health,*
- (b) is constructed to be safe and without risk to health,*
- (c) can be maintained safely and without risk to health during subsequent use, and*
- (d) complies in all respects, as appropriate, with the relevant statutory provisions.*

(2) A person who designs a project for construction work shall ensure, so far as is reasonably practicable, that the project—

- (a) is designed and is capable of being constructed to be safe and without risk to health,*
- (b) can be maintained safely and without risk to health during use, and*

(c) complies in all respects, as appropriate, with the relevant statutory provisions.

(3) A person who carries out construction work shall ensure, so far as is reasonably practicable, that it is constructed to be safe and without risk to health and that it complies in all respects, as appropriate, with the relevant statutory provisions.

(4) For the purposes of this section, ‘project’ means any development which includes or is intended to include construction work.

Therefore the 2005 SHWAW Act and the associated Regulations place certain responsibilities upon employers with respect to the installation, commissioning, maintenance, repair or removal of natural gas fittings currently. As such this must be considered by the Commission when determining whether it is appropriate to extend the scope of gas works to include those natural gas fittings used or designed to be used by commercial and/or industrial customers. This is discussed further in Section 4.2.

3.0 Potential Options for the Scope of Gas Works and Classes within that Scope

3.1 High Level Overview

As set out in Section 2.1.1, **the scope of gas works** relates to the installation, removal, repair or replacement of a natural gas fitting which is used or designed to be used by a domestic customer, or if so decided by the Commission, commercial and industrial customers.

Therefore, at a high level, the **minimum scope of gas works**¹⁰ must include work related to installation, removal, repair or replacement of natural gas fittings used or designed to be used by domestic customers. This would include those natural gas fittings (which included domestic appliances) designed to be used by domestic customers where they are used by both commercial and industrial customers.

The **potential maximum scope of gas works**¹¹ would include all works related to the installation, removal, repair or replacement of:

- all natural gas fittings used or designed to be used by domestic customers;
- all natural gas fittings used or designed to be used by commercial customers;
- all natural gas fittings used or designed to be used by industrial customers;
- natural gas fittings designed to be used by domestic customers which are used by both commercial and industrial customers;
- natural gas fittings designed to be used by commercial customers which are used by industrial customers;

Between the minimum and potential maximum scope of gas works, is an **intermediate scope of gas works**¹² which would include all works identified in the potential maximum scope of gas works above excluding:

- all natural gas fittings used or designed to be used by industrial customers;

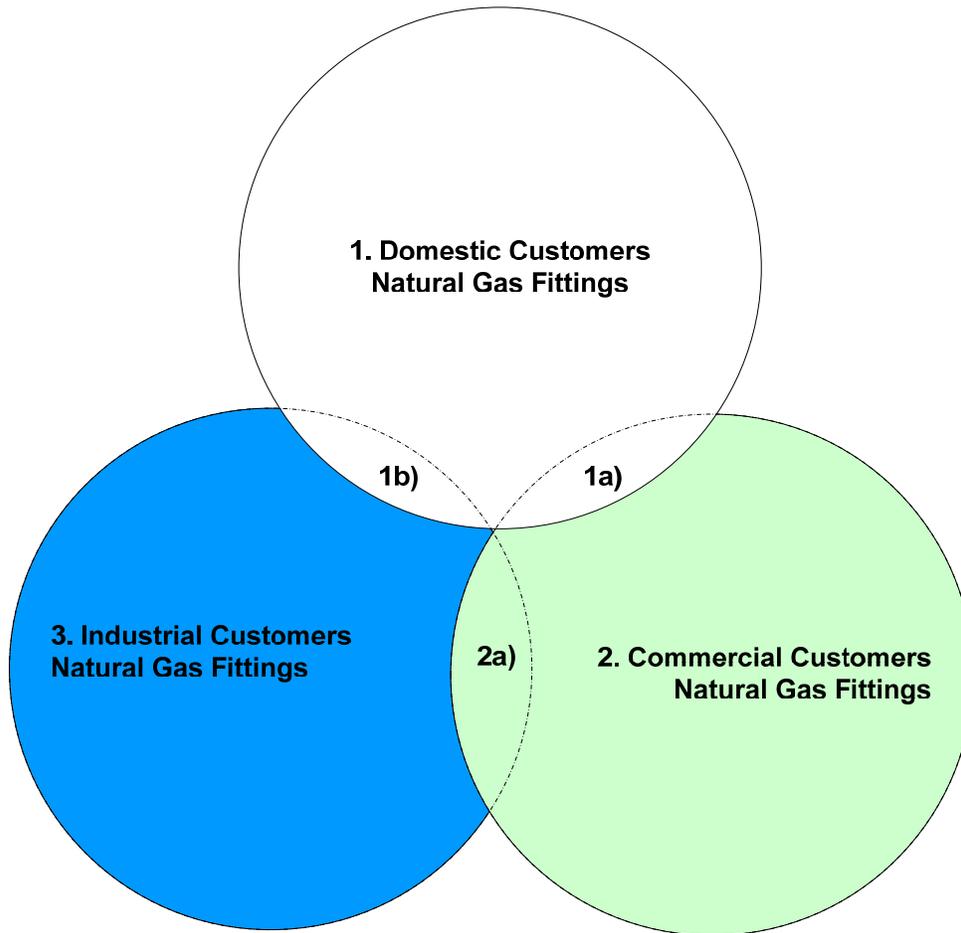
These potential scope options are illustrated in Diagram 2 on the following page.

¹⁰ This is referred to as Option A: Minimum Scope of Gas Works throughout this paper

¹¹ This is referred to as Option C: Maximum Scope of Gas Works throughout this paper

¹² This is referred to as Option B: Intermediate Scope of Gas Works throughout this paper

Diagram 2: Potential Scope Options for Gas Works



Key:

1. natural gas fittings designed for use by domestic gas customers only	2. natural gas fittings designed to be used by commercial customers only
1a) natural gas fittings designed to be used by domestic gas customers but installed in commercial premises	2a) natural gas fittings designed to be used by commercial customers but installed in industrial premises
1b) natural gas fittings designed to be used by domestic gas customers but installed in industrial premises	3. natural gas fittings designed to be used by industrial customers only

Scope of the Regulatory Model	Includes For
A. Minimum Scope of Gas Works	1., 1a) and 1b) – domestic customers only
B. Intermediate Scope of Gas Works	1., 1a), 1b), 2. and 2a) – domestic and commercial customers
C. Maximum Scope of Gas Works	1., 1a), 1b), 2., 2a) and 3. – domestic, industrial and commercial customers

In order to provide clarity on the extent, scale and implications on each of the three identified potential options, the following section 3.2 outlines:

- a high level description/definition for domestic, commercial and industrial customers respectively;
- the approximate numbers in each of the respective types of customers; and
- examples of natural gas fittings used or designed to be used by above customers.

3.2 Definitions for Domestic, Commercial and Industrial Customers

It should be noted that it is extremely difficult to define or categorise classes of domestic, commercial and industrial customers succinctly as there will always be anomalous situations whereby a particular end-user may ‘fall between’ two categories- e.g. a take-away restaurant using a commercial gas cooking range that is situated in a domestic property. The following proposed definitions provide a generic description of the various customer categories. However, whatever definition is decided upon following this consultation exercise, guidelines for registered gas installers will be required to assist them in determining precisely what appliances they are deemed competent to work on and those that they are not.

3.2.1 Domestic Gas Customers

‘Domestic gas customers’ are defined as those end users who use gas for primarily residential purposes such as space heating, cooking and hot water utilizing standardized and approved gas burning appliances but may include very small-scale businesses such as dentists, doctors, solicitors, accountants, hair salons etc. who carry out their business at residential-type properties¹³. This category of end-user typically consumes less than 73,000 kWh¹⁴ of gas per annum and there are approximately 600,000 of these domestic consumers within Ireland.

In this customer category, the classes of *gas work* would relate to all works on natural gas domestic appliances and associated flueing such as natural gas cookers, fires, boilers etc. designed to be used by domestic customers.

¹³ In these properties only appliances designed for domestic use would be appropriate for installation into this type of property.

¹⁴ These categories of gas end users are commonly referred to as Non-Daily Metered (NDM) customers.

3.2.2 Commercial Gas Customers

'Commercial gas customers' are defined as those end users who use gas for primarily commercial business operations such as light manufacturing, leisure and hotel facilities, restaurants, warehousing, large office accommodation, small factories etc. utilizing commercial catering and heating appliances. This category of end-user typically consumes between 73,000 kWh and 5,550,000 kWh of gas per annum and there are approximately 19,000 of these commercial consumers within Ireland.

In this customer category the classes of *gas works* would relate to all works on natural gas appliances and associated flueing such as natural gas catering equipment, space and water heating appliances which are used or designed to be used by these commercial customers.

3.2.3 Industrial Gas Customers

'Industrial gas customers' are defined as those end users who use gas for primarily industrial business operations such as power generation, chemical processing, glass-making, construction industry products, etc. utilizing highly specialised industrial gas-burning equipment and processes. This category of end-user typically consumes in excess of 5,550,000 kWh of gas per annum and there are approximately 240 of these industrial customers¹⁵ within Ireland.

In the industrial customer category the classes of *gas works* may relate to work on natural gas fittings used or designed to be used within the industrial sector. For example in the industrial customer category the class of gas work would relate to all works on natural gas appliances and associated flueing such as natural gas catering equipment, space and water heating appliances. In addition there will be specifically designed plant, purpose built for production purposes. In these cases the installation, commissioning and servicing work is undertaken by bespoke trained operatives generally associated with the appliance manufacturer.

3.3 The Policy Decision on the Scope of Gas Works

As discussed in Section 2.2.1, the Commission is obligated to implement '*Option A: Minimum Scope of Gas Works*' with respect to Domestic gas customers as illustrated in Diagram 1. Therefore the *gas works* regulations must include work related to installation, removal, repair or replacement of natural gas fittings used or designed to be

¹⁵ This category of customers is commonly referred to as either: (i) Daily-Metered (DM) customers where the gas consumption is between 5,550,000 kWh and 57,500,000 kWh; or (ii) Large Daily-Metered (LDM) customers where the gas consumption is in excess of 57,500,000 kWh

used by the approximately 600,000 Domestic gas customers described in Section 3.2.1. It also includes work on those natural gas fittings designed to be used by the Domestic gas customers being used by both Commercial and Industrial gas customers (as described in Section 3.2.2 and 3.2.3). It is clear from 2006 Act that capturing such work under the regulatory system represents the primary public policy intent of the legislation.

However, the Commission must make a **policy decision** whether or not it is appropriate to extend the scope of gas works to include '*Option B: Intermediate Scope of Gas Works*' with respect to approximately 19,000 commercial gas customers or further still to include '*Option C: Maximum Scope of Gas Works*' with respect to approximately 240 Industrial Gas Customers.

The Commission intends to take this policy decision with due regard to the:

- extent of safety risks associated with the utilisation of gas by Commercial and Industrial gas customers;
- existing legislative provisions governing safety risks in such environments;
- suitability of regulatory model provided for the in 2006 Act in respect to the regulation of natural gas installers in the commercial and industrial *gas works* area;
- considered opinion of the National Standards Authority of Ireland;
- international best practice and experience in regard to the regulation of gas works in such environments; and the
- comments received to this consultation paper.

4.0 Policy Considerations with Respect to the Scope of Gas Works

4.1 Overview

In order to assist stakeholders in responding to this consultation and the proposals outlined in Section 5, the Commission now sets out its present views on some of the decision criteria identified in Section 3.3, specifically:

- the extent of safety risks associated with the utilisation of gas by Domestic, Commercial Customers and Industrial Customers (Section 4.2)
- the ability of existing legislative provisions in managing the safety risks in such environments (Section 4.3); and
- the suitability of regulatory model provided for the in 2006 Act in respect to the regulation of natural gas installers in the commercial and industrial gas works area (Section 4.4);

The Commission is particularly interested in respondents views on its analysis in the above areas. For completeness, the GTSC submission on definition of classes of gas works is also presented in Section 4.5.

4.2 Safety Risks Associated with the Utilisation of Natural Gas

4.2.1 Overview

The Commission identified “*Ensuring the safe utilisation of gas downstream of the meter, within all gas facilities and premises (domestic and non-domestic)*” as one of the 5 principal aspects of gas safety risks that need to be managed and controlled by the Commission through its Natural Gas Safety Regulatory Framework. There are 3 broad safety risks associated with the utilisation of gas:

- The competence of gas installers;
- The use of approved gas fittings and appliances and their installation, service, repair and removal; and
- The levels of gas safety awareness amongst end use customers and the general public.

Gas customers and the public at large should have a level of gas safety awareness necessary to ensure that they understand the potential dangers of not employing competent gas installers and not servicing gas-burning appliances regularly.

The potential outcomes of improper gas installation and maintenance include:

- gas escapes inside the property resulting in fire and/or explosion; and
- inadequate installation servicing / commissioning, flueing, ventilation, leading to incomplete combustion resulting in;
 - the potential for carbon monoxide poisoning;
 - the potential for ill health due to inadequate clear air environments for both the general public and workers using gas appliances.

4.2.2 Safety Risks Associated with Domestic Gas Customers

The main areas of concern with domestic gas customers for safety issues centre around the installation and use of appliances, in particular:

- Correct installation of appliances only carried out by competent individuals;
- Regular appliance maintenance in line with manufacturers instructions;
- Vigilance and implementing appropriate actions when suspicious of a gas smell, which could be a smell of gas or fumes from an appliance; and
- Understanding the safety related issues when using a gas appliance, with particular reference to adequate ventilation and flues.

4.2.3 Safety Risks Associated with Commercial Gas Customers

The main areas of concern with commercial gas customers for safety issues centre around the installation and use of appliances, in particular:

- Correct installation of appliances only carried out by competent individuals;
- Regular appliance maintenance in line with manufacturers' instructions and as appropriate to the operating conditions of the appliances within the building;
- Vigilance and implementing appropriate actions when suspicious of a gas smell, which could be a smell of gas or fumes from an appliance;
- Understanding the safety related issues when using a gas appliance, with particular reference to adequate ventilation and flues by both natural and mechanical methods;
- Provision of interlocked safety cut off's between mechanically powered ventilation or forced draught flues required for safe operation; and
- Maintaining a safe working environment for staff, in particular with respect to air quality, levels of Carbon monoxide (CO) and Carbon dioxide (O2).

4.2.4 Safety Risks Associated with Industrial Gas Customers

The main areas of concern with Industrial customers for safety issues centre around the installation and use of appliances, In particular the following areas:

- Correct installation of appliances only carried out by competent individuals;
- Regular appliance maintenance in line with manufacturers' instructions and as appropriate to the operating conditions of the appliances within the building;
- Vigilance and implementing appropriate actions when suspicious of a gas smell, which could be a smell of gas or fumes from an appliance;
- Understanding the safety related issues when using a gas appliance, with particular reference towards adequate ventilation and flues by both natural and mechanical methods;
- Provision of interlocked safety cut offs between mechanically powered ventilation or forced draught flues required for safe operation;
- Maintaining a safe working environment for staff, in particular with respect to air quality, levels of Carbon monoxide (CO) and Carbon dioxide (O2); and
- Strict adherence to manufactures' instruction and operating process for bespoke plant.

4.2.5 Conclusion

The safety risks identified above present a key policy issue for the Commission - namely what is the best way to manage the above risks? Should the onus of responsibility be placed upon the end-user (be they industrial, commercial or domestic customers) to form the judgement upon an individual's competence to undertake such work supported by the enforcement powers provided under existing legislation? Or, should this end user discretion be removed and the entitlement to undertake such work restricted to registered individuals who have demonstrated competence in this area?

4.3 Existing legislative provisions governing safety in the commercial and industrial customer environments.

As set out in Section 2.2, the 2005 SHWAW Act and the associated Regulations currently place clear safety responsibilities upon employers with respect to the installation, commissioning, maintenance, repair or removal of natural gas fittings. More specifically, it places the responsibility **on the employer** to satisfy himself/herself that the person appointed to undertake such work is a *competent person*. In instances where an employer cannot demonstrate that the person that they employed to undertake the task was “competent” they can be subject to prosecution by the Health & Safety Authority. This usually occurs **after** an incident has occurred.

There is no evidence to suggest that this approach has not been satisfactory in addressing the safety risks associated with utilisation of gas by commercial and industrial customers. The table below outlines the number of gas related incidents reported by Bord Gáis to the Commission over the last 7 years which were the direct result of incorrectly installed or improperly maintained natural gas fittings in commercial and industrial premises.

Year	Type of Customer	
	Commercial	Industrial
2002	0	0
2003	0	0
2004	0	0
2005	0	0
2006	0	0
2007	0	1
2008	0	0
Total	0	1

The effectiveness of this system of regulation is predicated on the ability of the employer to satisfy himself/herself that an individual is competent through assessing the experience, knowledge, training and qualifications of the individual with respect to undertaking the task at hand. One school of thought in this area is that the ability of the employer to form such a judgement is generally a function of the specialised nature, complexity and cost of the natural gas fitting concerned, the associated safety risks related to that fitting and the general importance that fitting has to their operation. For example, it is reasonable to assume that employers in an industrial setting are more likely to have some level of understanding of the specific competency requirements for

individuals to undertake work on their industrial business operations which utilise highly specialised industrial gas-burning equipment and processes. Indeed it is in the employers' economic interest to allow a highly competent individual to undertake work on such equipment as the costs of equipment malfunction can be costly. In many instances industrial and large commercial employers engage specifically trained in-house individuals to undertake such work.

However the ability of employers to form such a judgement regarding an individual's competence to undertake gas work will change, determined by the technical knowledge the individual employer has. In the case of many of the 19,000 Commercial gas customers defined in Section 3.2.2, it is highly likely there is little or no technical knowledge in this area and therefore they will not have the ability to establish an installer's level of competence to undertake such work. Similarly in the Domestic gas customer sector, end-users are less likely to understand the need for these specific competency requirements in undertaking works on their gas installations and appliances.

If one concurs with this analysis, it suggests that there is not a strong requirement or benefit to extend the scope of the regulatory system to include Industrial gas customers at this stage given that it is reasonable to assume that they have the capacity and relevant information to hand to form the judgement with respect to competence. As such the 2005 SHWAW provides the relevant enforcement powers in this area. However, it is not clear that this is likely to be the case for Commercial gas customers, and as such the registration scheme provided for under the 2006 Act could provide the mechanism through which those commercial customers can satisfy themselves that the individual has the competence to undertake such work.

4.4 The suitability of the Regulatory model in the 2006 Act to Commercial and Industrial Gas Works area

4.4.1 Overview

The Commission describes in its decision paper, *Vision for the Regulation of Gas Installers with Respect to Safety* (ref. CER/07/225), the generic regulatory model it will establish to regulate gas installers with respect to safety in accordance with the 2006 Act. Essentially this involves:

“Designating categories of gas works which may only be undertaken by individually registered installers who are competent, operating to the appropriate standard, using the appropriate materials, who will certify their work as safe and will be subject to ongoing regulation and inspection by the Gas Safety Supervisory Body”.

This generic model is illustrated in Diagram 3 and broadly involves the following:

1. The Commission specifies *gas works* (or classes of *gas works*) which may only be undertaken by a registered gas installer;
2. In order to become registered the individual must:
 - i. Have achieved a generic qualification in a course which relates directly to the *gas works* being undertaken;
 - ii. Have their competence formally assessed against the provisions of the standard applicable with that *gas work*;
 - iii. Agree to work in accordance with the applicable standard, and the safety requirements of the regulatory system through signing the terms and conditions of membership;

In this way the Commission can satisfy itself that the individually registered installer is competent in undertaking that *gas work* and commits to working to the standard appropriate to the *gas work*.

3. The customer requires a specific class of *gas works* to be carried out and requests a registered gas installer to undertake it.
4. The registered gas installer undertakes the work in accordance with the standard, certifies as such and finally issues a completion certificate to the Customer.

The outcome of the application of this regulatory model is that *gas works* are installed and certified as safe against the applicable safety standard by a competent registered gas installer using approved gas fittings/appliances.

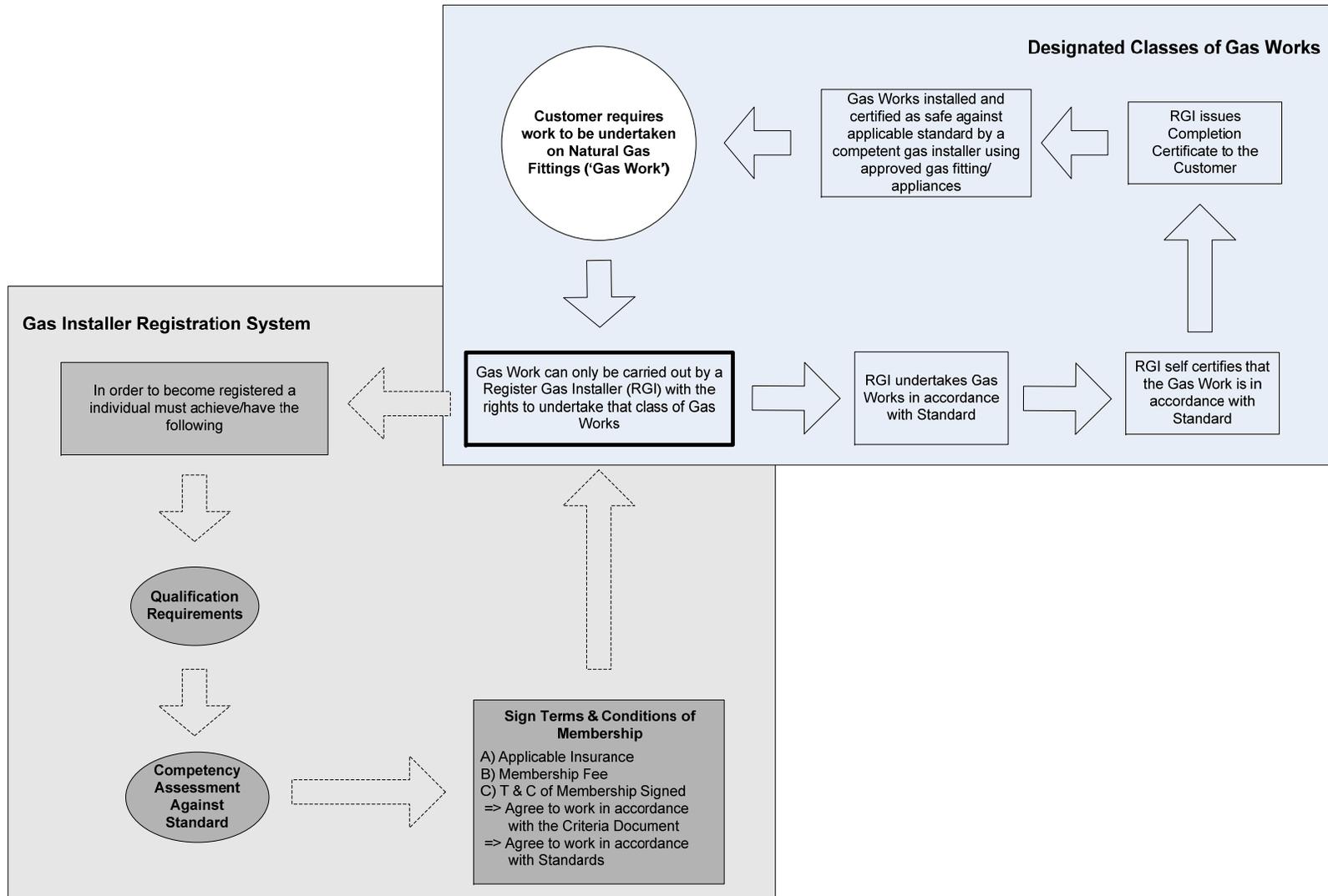


Diagram 3: Illustration of the Regulatory Model

4.4.2 Applicability of the Regulatory Model for Option A: Minimum Scope of Gas Works

Given that primary public policy intent of the 2006 Act is to restrict the undertaking of *gas works* in a domestic setting to registered individuals only, it is not surprising that the regulatory model described in Section 4.3.1 is particularly relevant to the mitigation of risks associated with *Option A: Minimum Scope of Gas Works*¹⁶ given that:

- There is a high degree of clarity on what constitutes *gas works* in a domestic setting and consistency across the technical requirements in undertaking the different types of gas work in such a setting such as all works on natural gas appliances and associated flueing (such as natural gas cookers, fires, boilers etc);
- The relatively generic nature of this type of work lends itself to development of generic training courses and associated qualifications. For instance there is currently a Gas Installer Domestic (GID) course and award generally available;
- There is a Domestic Gas Installation Standard (I.S. 813) which covers the installation of natural gas in a domestic setting. Again the standard also lends itself to the development of a relatively simple competence assessment process in order to satisfy an individual is competent to undertake the *gas work* in accordance with the provisions of the standard.

In this way the Commission can satisfy itself that the individually registered installer is competent in undertaking that *gas work* in the domestic setting and commits to working to I.S 813 with respect to that *gas work* (See Diagram 4 in Appendix C).

However, it is not clear that the training, qualification and competency assessment requirements outlined above are appropriate to enable an individually registered installer to undertake such works on natural gas fittings designed to be used by domestic customers in commercial and/or industrial customer environments¹⁶. The Commission is particularly interested in respondents views in this regard.

¹⁶ See segments 1a) and 1b) in Diagram 2 on page 9

4.4.3 Extending the Regulatory Model to cater for Option B: Intermediate Scope of Gas Works

The regulatory model described in Section 4.2.1 is relevant to the mitigation of risks associated with *Option B: Intermediate Scope of Gas Works*, though to a lesser extent than Option A, given that:

- There is a reasonable amount of clarity on what constitutes gas works in a commercial setting and consistency across the technical requirements in undertaking the different types of gas work in such a setting such as all works on gas pipework, water and space heating appliances and catering appliances;
- The relatively generic nature of this type of work lends itself to development of generic training courses and associated qualifications. For instance a Gas Installer Non-Domestic (GIND) course is currently in the process of being developed;
- There is Non-Domestic Gas Installation Standard (I.S. 820) which covers the installation of natural gas in a non-domestic setting, more specifically commercial premises. Again the standard lends itself to the development of a competence assessment process in order to satisfy an individual is competent to undertake the gas work in accordance with the provisions of the standard.

Although the training course referred to above is not in place at the moment, the broad generic regulatory model approach is suitable to enable the Commission to satisfy itself that the individually registered installer is competent in undertaking that commercial gas work in a commercial environment and commits to working to the I.S 820 with respect to that gas work.

However, the Commission is interested in respondents views with respect to what training, qualification and competency assessment requirements are appropriate to enable an individually registered installer undertake such works on natural gas fittings used or designed to be used by commercial gas customers. In particular the Commission is interested in views on whether **additional** training, qualification and competency assessment requirements are needed to allow an individually registered installer undertake such works on natural gas fittings designed to be used by commercial gas customers in domestic and/or industrial customer environments.

4.4.4 Extending the Regulatory Model to cater for Option C: Maximum Scope of Gas Works

The extension of the generic regulatory model described in Section 4.2.1 to include *gas works* on natural gas fittings used or designed to be used by Industrial customers is problematic for a number of reasons. Firstly industrial processes are unique and specialised – i.e. there is no generic approach beyond the use of combustion technology and controls. Design, build, construction and maintenance should be undertaken only by individuals who understand that unique process well, often the manufacturer itself. In process work, utilisation of gas is recognised as being integral to the core process(es) and therefore, in most cases, is an integral element of the company's in-house safety regime. To attempt to apply the generic regulatory model, primarily developed to address the safety risks associated with the utilisation of gas by domestic customers, to this unique and specialised area is unlikely to add any value or specifically address the safety risks associated with this area.

4.5 GTSC Submission on Definition of Gas Works

The Gas Technical Standards Committee (GTSC) of the NSAI proposed the following classes of gas works and exemptions to those works.

4.5.1 Exemptions

GTSC proposed the following exemptions from the scope of gas work

- a) Work on the point of delivery and upstream of the point of delivery¹⁷.
- b) Any work that can be effected by a person without the use of a tool¹⁸
- c) Jointing of pipework by welding, for non-domestic customers.
- d) Work on gas fittings carried out in industrial premises where an industrial process is carried out¹⁹.
- e) Work on gas fittings for the supply of gas for automotive use.
- f) Design of gas works.
- g) The manufacture and assembly of gas appliances.

The GTSC also noted all places of work are regulated by the Safety, Health and Welfare at Work Act 2005 and that if a small number of non-domestic installations are missed out in the following submission they will still be covered by the 2005 Act.

4.5.2 Proposed classes for different types of gas work

Notwithstanding the above exemptions, the GTSC proposed to 2 broad categories of gas works:

- Domestic; and
- Non Domestic Class.

These classes of gas works are illustrated in the Table on the following page.

¹⁷ The GTSC proposed the following definition for **point of delivery**: point immediately downstream of the control device fitted to terminate the service pipe

NOTE 1 Natural gas service pipes terminate in a combination of a regulator and isolation valve.

NOTE 2 This definition indicates the point at which the gas installation to a building commences but does not necessarily indicate the point at which ownership of the gas supplied to the building is transferred.

¹⁸ * The risk from the possibility of a user dismantling an appliance without the use of a tool is covered in the Essential Requirements of Directive 90/396/EEC:

¹⁹ The GTSC propose the following definition for **industrial premises**
premises used primarily for a process which creates or changes raw or unfinished materials into another form or product. This includes mining and manufacturing

Type of work	Domestic	Non Domestic
Installation: - Pipework Construction / Alteration - Pipework Integrity test - Pipework commissioning - Installation and Commissioning of appliances - Minor electrical work associated with the installation and/or repair of gas appliances - Certification of new and existing installations including those undertaken by others	1	3
Servicing: - Appliance Repair / Servicing / Maintenance - Minor electrical work	2	4
Installation commissioning and repair of appliances under the responsibility of the manufacturer		5

Within the Domestic category of gas work, the GTSC propose 2 classes of domestic gas works:

- Installation (class 1 in the Table above);
- Servicing/Maintenance (class 2 in the Table above).

Within the Non Domestic category of gas work, the GTSC propose 3 classes of non domestic gas works:

- Installation (class 3 in the Table above);
- Servicing/Maintenance (class 4 in the Table above);
- Installation, commissioning and repair of appliances under the responsibility of the manufacturer (class 5 in the Table above).

The GTSC propose each of the above classes of gas works would be associated with different categories of registration, with the appropriate qualifications and competencies associated with that class of gas work being pre-requisites for registration for that category of gas work by the Gas Safety Supervisory Body.

5.0 Proposals & Next Steps

5.1 Summary of Proposals

Given the Commission's consideration of:

- the requirements and obligations placed on the Commission under the 2006 Act;
- the extent of safety risks associated with the utilisation of gas by Commercial Customers and Industrial Customers;
- the existing legislative provisions in such environments;
- the suitability of regulatory model provided for the in 2006 Act with respect to the regulation of natural gas installers in the commercial and industrial *gas works* area; and
- the considered opinion of the National Standards Authority of Ireland,

it now presents the following proposals for consultation:

1. That the high level definition of Domestic, Commercial and Industrial Gas Customers outlined in Section 3.2 is accepted.
2. As required under the 2006 Act, the Commission proposes to implement the *Option A: Minimum Scope of Gas Works* at the commencement of the new regulatory system and the appointment of the Gas Safety Supervisory Body in January 1st 2009. It is proposed that the classes of gas works will be broadly consistent with the 2 domestic classes of *gas works* proposed by the GTSC.

However, the Commission remains open minded with respect to whether the training, qualification and competency assessment requirements for a domestic gas installer (e.g. GID, 5 year competency assessment against I.S. 813) are appropriate to have sufficient confidence that that individually registered domestic gas installer has the competency to undertake such works on natural gas fittings designed to be used by domestic customers where they are used in commercial and/or industrial environments. The Commission is particularly interested in respondents views in this regard.

3. The Commission is minded to extend the regulatory model and the definition of *gas works* to include those works on natural gas fittings used or designed to be used by Commercial gas customers (e.g. *Option B: Intermediate Scope of Gas Works*) in the medium term (e.g. post 2010), when the following conditions exist:
 - a. the new regulatory system has operated successfully in the domestic sphere for a reasonable period of time;

- b. appropriate training course/courses and award(s) which relate directly to commercial *gas works* is/are widely available in the ‘non-domestic’ arena for a reasonable period of time.
- c. A competency assessment process is in place which enables the competence of an individual to be formally assessed against the provisions of the standard applicable to the commercial *gas work* (I.S. 820).

In this way the Commission can satisfy itself that the individually registered gas installer is competent to undertake ‘commercial’ gas works. When the above conditions exist, the Commission will introduce further regulations which will prohibit non-registered gas installers from undertaking such “commercial” gas works.

In the interim period, the Commission is interested in respondent’s views with respect to a proposal to providing the opportunity to “non-domestic” gas installers to become ‘registered’ with the Gas Safety Supervisory Body on a voluntary basis until such time as “commercial” *gas works* regulations are brought into force. This would act as a mechanism to aid transition to any new regulations introduced in this area in the future. The voluntary registration criteria could be on the basis of verifiable experience.

The Commission is also interested in respondents’ views on the appropriate classes of *gas works* in the “commercial area” and the training and competency assessment requirements necessary for individuals to undertake such work. Respondents are also asked to note the proposals of the GTSC in this regard. The views of the Combustion Technicians Association, as set out in a letter the Commission received on May 27th 2008 with respect to the regulation of gas installers in the non domestic environment, should also be considered (See Appendix D).

4. The Commission is not minded to extend the regulatory model and the definition of *gas works* to include those works on natural gas fittings used or designed to be used by Industrial Gas Customers (e.g. *Option C: Maximum Scope of Gas Works*) at this stage given that:
 - The Health and Safety Authority already has an enforcement role in this area;
 - The generic regulatory model, implicit under the 2006 Act, is not appropriate to address the safety risks associated with the industrial area given the unique and specialised nature of industrial processes.

However it proposes to maintain a watching brief on the safety statistics in this area, and does not close off the possibility of regulating industrial works if it deems it appropriate in the future.

5.2 Next Steps

The Commission now invites comment on its proposals as outlined in this consultation paper. The specific aspects on which the Commission particularly invites comments are:

- a) The proposed definitions for Domestic, Commercial and Industrial Gas Customers (Section 3.2);
- b) The appropriateness of the Commission's analysis of the policy considerations in Section 4; and
- c) The appropriateness of the Commission's proposals in Section 5.

The Commission is committed to full consultation throughout the process of developing regulations which define gas works. The Commission commits to considering all views equally and affording each respondent the opportunity to clarify any issue raised in this paper.

This consultation will be followed by a draft decision, which will also be published for industry and public comment. Finally, the Commission will issue a decision paper on the matter of *gas works* and this will be subsequently translated into regulations as required under the 2006 Act. This will take place before the end of 2008.

The closing date for this consultation is September 12th, 2008.

Appendix A – List of Substantive Questions

It should be noted **that respondents are in no way obliged to respond to the table provided below and are welcome to submit comments in their preferred format.** It is included to allow for a “short-cut” option for respondents to submit their comments to the Commission

Respondents are invited to complete the table to indicate their position on the questions being asked. Respondents should outline YES or NO answers to each of the questions listed. If you have a further comment which will clarify your answer, this should be included in the Comments box.

Question/ Proposal	Yes	No	Comments
Q1. Do you agree with the proposed definitions for Domestic, Commercial and Industrial Gas Customers in Section 3.2?			
Q2. Do you agree with the Commission’s analysis of the policy considerations in Section 4?			
Q3. Do you agree with the Commission’s proposals set out in Section 5?			

Appendix B – Glossary of Terms

CER:	Commission for Energy Regulation.
CO	Carbon Monoxide
GSSB:	Gas Safety Supervisory Body, as designated by the Commission under the 2006 Act. See Vision for the Regulation of Gas Installers with Respect to Safety (ref. CER/07/225) – 18th December, 2007.
GTSC:	Gas Technical Standards Committee of the NSAI
HSA:	Health and Safety Authority.
LPG:	Liquefied Petroleum Gas.
MoU:	Memorandum of Understanding.
NSAI:	National Standards Authority of Ireland
2005 SHWAW Act:	Safety, Health and Welfare at Work Act 2005

Appendix D – Letter received from Combustion Technicians Association Limited

Combustion Technicians Association Limited

**2, Windsor Park,
Monkstown, Co. Dublin**

Registered in Ireland No; 454274

27th. May 2008
Mr. Eamonn Murtagh,
Commission for Energy Regulation
The Exchange
Belgard Square North
Tallaght,
Dublin 24.

Re; Gas Installer Regulation – Non Domestic.

Dear Mr. Murtagh,

We have studied the document IS 820 in relation to commercial/industrial and process combustion installations.

We have also inspected the documents for the Gas Installer Scheme for non-domestic users.

We wish to make the following comments to these documents.

The documents refer to the “installation”

In the case of larger combustion appliances the commissioning procedure is normally considered a separate “contract” to the main installation contract.

The pre commissioning procedure covers all aspects of the installation which could be carried out by several different contractors, sub contracted by the appointed mechanical contractor or project designers. The installation becomes an assembly of several contractors who may not have been coordinated effectively. It is left to the commissioning engineer to check all the different elements to the installation.

The responsibility for the safe operation of the plant rests with the commissioning engineer, and it is his sole responsibility to sign off on an installation when the commissioning procedure is completed and the system operational. This usually absolves allied trades any further responsibility as it is the brief of the commissioner to highlight any faults or potential faults within the installation before commissioning commences.

The pre commissioning “ check list” can cover but not limited to the following:

- Checking of pipework
- Checking of valves
- Checking electrical arrangements.
- Check functioning of controls.
- Checking adequate ventilation
- Checking flueing arrangements.
- Checking electronic controls
- Checking fuel lines – especially dual fuel burners.

It is therefore a very specialised contract not an installation.

It is the function of the members of the Combustion Technicians Association to carry out this work in a professional and safe method to ensure that the appliance is working to the ultimate efficiency and safety.
The activity covers appliances from 100 Kw to 10,000kw and above with various different types of fuel.

Based on the following examples.

EQUIPMENT

- Hot Water Boilers (Low, Medium and high pressure)
- Steam Boilers. (Fire tube and Water tube)
- Manufacturing process heating.
- Space heating and Air Handling Units.
- Combined Heat and Power Units.
- Incinerators.
- Forced draught burners.
- Atmospheric burners.
- Rotary Cup burners.
- Pressure Jet Burners
- Steam and Water Atomising Lance Burners

FUELS:

- Natural Gas and LPG.
- Biogas, Methane and other waste or recovered gases.
- Oils – paraffin and Diesels.

Oils – Light, Medium and Heavy black.
Tallow and by-products.
Solid Fuels and all the fuel handling and ash handling equipment. .

Installed equipment may include various integrated combinations of the above and commissioning is likely to include responsibility for the safe set up of the controls together with the relief and safety valves.

Thorough knowledge is expected of the equipment, the burner and boiler control systems which are becoming more microprocessor and electronically based together with knowledge of the ancillary equipment e.g. pumps, actuated feed valves, variable speed drives, fuel storage, economisers and system controls.

Ability is also expected to determine the correct fuel quantity for the safe and efficient production of heat, the correct flame pattern and an understanding of the combustion characteristics and emissions exiting the flue.

Skills are also required for the service and maintenance of the boilers and the ability to prepare equipment for insurance inspection.

The combustion technician is expected to be on call and available for emergencies and call outs 365 days of the year.

We therefore consider that the IS 820 is not a sufficient document to cover the range of activities of the industry.

We hereby request that the introduction of the regulation be postponed, however we consider some arrangement should be in place for 1st Jan 2009

The industry is very small in numbers – about 50 people in total.
We propose the following:

- That the CTA be appointed by the CER to register the members.
- That the criteria will be based on verifiable experience.
- That the individuals will choose any or all of the area of activity from the list above.
- That the CTA will consider a tie up with their British counterparts Combustion Engineering Association.(CEA)
- That the members will proceed with their courses to satisfy competency during 2009.
- That the situation is continuously reviewed for 2010.
- That all details are submitted to the CER.

As the present technicians within the industry are known to the major appliance suppliers and the large mechanical contractors, we consider that the above is an effective system to cover the industry.

Over the forthcoming years the qualifications can be established and become a prerequisite for working within the industry.

We consider that there are 6 different areas of activity.

- Grade 1. Steam, MPHw,HPHW,TF
- Grade 2. Oil & Gas, Process Equipment
- Grade 3. Oil and gas – LPHW
- Grade 4 Biofuel, Biomass and solid fuel for LPHW.
- Grade 5 Provisional.

We would also discuss a similar registrar with the other fuel suppliers.

We would request you consider this proposal and look forward to your favourable reply.

Regards

Gordon McCabe
Secretary
Combustion Technicians Association
E-mail gdmccabe@eircom.net