

Appendix A

Response Paper

CER/09/083-A

Consultation Comment and Commission's Response – Accompanying the publication of the “Regulation of Gas Installers with Respect to Safety – Definition for the Scope of Gas Works – Final Decision Paper” (CER/09/083)

The Commission received 6 submissions to the draft decision paper (CER/09/032). Submissions were received from the following organisations or individuals:

- The National Standards Authority of Ireland (NSAI);
- Bord Gáis Networks (BGN);
- The Irish Liquefied Petroleum Gas Association (ILPGA);
- The European Registration Scheme for Personnel Competence (ERS);
- The Midland Energy Training & Assessment Centre (METAC); and
- The White Goods Association (WGA).

The Commission welcomes the considered responses from the above parties and has attempted to respond to each comment received.

The comments from the above responses have been inputted into the tables below in accordance with the section to which that comment relates. In doing so, the Commission has re-produced the comments from Respondents. The Commission has also provided its response to each such comment.

Please note that section references in the “Section” column of the table below refers to the section reference in the Gas Works Draft Decision Document (CER/09/032).

GENERAL COMMENTS

General Comments			
Section	From:	Comments/Proposal	CER Response
Draft Decision Document	BGN	<p>We propose two additional points;</p> <ol style="list-style-type: none"> 1. That consideration be given to including a specific exclusion from the scope of gas works, of works on installation associated with the supply of gas for automotive use and works on gas fuelled automotive vehicles; and 2. In relation to the voluntary register for installers carrying out commercial gas works we would propose that consideration be given to including an objective 'assessment' of the fitter's competence as part of the registration criteria. This could be reviewed in the context of the Commissions views on the appropriateness or otherwise of the publication of all or part of the voluntary register. 	<p>The Commission agrees with the respondent with respect to specifically excluding from the scope of gas works, works on installations associated with the supply of gas for automotive use and works on gas fuelled automotive vehicles. The Commission agrees that such an exclusion is justified on the basis that such gas work is outside the scope of training available to gas installers carrying out domestic categories of gas works. Furthermore, such gas works are unique and specialised processes outside the scope of the Gas Insatller Domestic (GID) course and don't lend themselves to the generic regulatory system in place for the Regulation of Gas Installers process.</p> <p>The Commission agrees with the respondent's proposed inclusion into the registration criteria. The Commission has amended its final decision paper to allow for the inclusion of this proposal.</p>
	WGA	<p>That a specific qualification is made available for the repair and connection of domestic appliances to the gas system.</p>	<p>The provision of industry training is outside the remit of the Commission. The Criteria Document specifies training requirements necessary for a person to become an RGI. If a new recognised relevant industry qualification was to be developed then the Commission would be in a position to modify the Criteria Document following a modification request to reflect its availability. For information, the current Gas Installer Domestic (GID) course incorporates repair and connection of domestic appliances under its qualification. The GID amalgamates the old GI 1, GI 2 and GI 3 courses of which GI 3 related to maintenance and repair.</p>

General Comments			
Section	From:	Comments/Proposal	CER Response
Draft Decision Document	WGA	A specific training course should be developed for the repair and connection of domestic appliances to the gas system.	As a specific training course for the repair and connection of domestic appliances leads to a qualification in this area, please see the above answer.
	WGA	State funded training courses should be made available in time to allow gas installers to comply with the implementation date for the new regulations.	The provision of industry training is outside the remit of the Commission. The Commission recommends that the respondent talk directly to training providers carrying out state funded GID courses in relation to availability. The Commission advises that gas installers will be allowed apply for provisional membership as an interim measure to allow them to continue carrying out gas works in the event that they cannot obtain the GID qualification prior to the implementation date of 26 th June 2009 for the new regulations. Full details on the requirements for entry to the provisional category of membership of the RGII are set out in Section C of the Criteria Document.

Comments on the Commission's Proposals for the Scope of Gas Works and Classes within that Scope

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Section	From:	Comments/Proposal	CER Response
4.1	ILPGA	<p>The ILPGA has a concern that the "potential maximum scope of gas works" only includes natural gas (Section 4.1). The ILPGA will be disappointed if it now is not the intention to include LPG at a later date. This issue has previously been raised (in relation to the CER Consultation Paper on "Safety Regulation of the Liquefied Petroleum Gas Industry in Ireland").</p> <p>We noted the CER intention in our response to that paper, when we stated:</p> <p><i>"This leads us to the one major concern that we do have, which is the possibility of a delay regarding the introduction of the Installer Registration Scheme into the LPG industry. We are fully in agreement that this is the area most critical in terms of public safety and should be addressed in an urgent fashion, independent of any further legislative changes. We note that the C.E.R. is suggesting a possible approach to achieve this in section 3.3.2."</i></p> <p>From the above it seems clear that it is fully intended that the scope is to include L.P. Gas. However, the industry seeks confirmation of this, since the CER Decision Paper on the LPG Industry has not yet been issued.</p>	<p>The issue of any potential extension of the Commission safety responsibilities to include LPG is currently the subject of a separate consultation process. Therefore the scope of <i>gas works</i> does not include LPG at this stage. However, the Commission confirms that it is its intention to include LPG in the regulatory system at a later date.</p>
	WGA	<p>The regulator should consider the inclusion of L.P.G. in the new regulations.</p>	<p>Please see the above answer.</p>
4.2.4	NSAI	<p>A specific rating, i.e. kW input needs to be specified for boilers to differentiate between a domestic and commercial type boiler. There are a number of references of up to 60 kW in the Irish Building Regulations Part J. There is also a reference of up to 70 kW in the European Standard EN 483. However, in neither standard is it absolutely clear that these are the set limits.</p>	<p>The Commission notes and agrees with the respondent's recommendation and has incorporated it in the final decision paper.</p>

The Final Decision on the Scope of Gas Works

Policy considerations with respect to the scope of gas works			
Section	From:	Comments/Proposal	CER Response
5.2	ERS	We would agree with the Commission's proposal (5.2.1) that Regulations be drafted and enacted on 26th June 2009 which will designate those works related to the installation, removal, repair or replacement of natural gas fittings used or designed to be used by Domestic gas customers regardless of whether they are used by a Domestic, Commercial or an Industrial customer, as defined in Section 4.2, as a class of gas works and provide for the inclusion of such works in the regulatory system and that post 26th June 2009, it will be an offence for a person to carry out Domestic Gas Works unless he/she is registered with the RGII.	The Commission acknowledges and welcomes the Respondent's comment.

Policy considerations with respect to the scope of gas works			
Section	From:	Comments/Proposal	CER Response
5.2.2	ILPGA	<p>We note that there are only three types of activity given in the list of exceptions in section 5.2.2. These three exceptions were included in the list of exceptions put forward by GTSC TC2 in September 2007.</p> <p>However, there were a number of other activities listed then which the ILPGA would wish to be added to your list, as follows:</p> <ul style="list-style-type: none"> a) Work on the point of delivery and upstream of the point of delivery. b) Work on gas fittings for the supply of gas for automotive use. c) Any work that can be effected by a person without the use of a tool. d) Work on a single appliance LPG installation (excluding repair or maintenance) without fixed pipework, achieved by a flexible connector from an adjacent LPG storage cylinder. e) Connection or replacement of a flexible connector connecting a refillable cylinder to installation pipework. <p>Note 1: The exceptions c, d and e were intended to address the use of regulators/cylinders (LPG) and bayonet connections (mainly Natural Gas). It may have been the intention of the CER to address these issues within the body of the document by virtue of the definition of gas works. However, perhaps the inclusion in a listing gives further clarity.</p> <p>Note 2: It is suggested that the appropriate listing should also appear in section 5.2.1</p> <p>There was one other exception in the GTSC TC2 list. This was a reference to industrial premises (work on gas fittings carried out in industrial premises where an industrial process is carried out). As the CER has indicated an intention that work on domestic type appliances in industrial premises is to come within the scope of the legislation, it is accepted that this exception is no longer appropriate.</p>	<p>The Commission agrees with the respondent's request for inclusion of the listed exceptions in section 5.2.2 with the exception of D & E. These specific exclusions will be dealt with as part of the separate consultation process concerning LPG in line with the process outlined above. The Commission has amended its final decision paper to allow for the inclusion of all other exceptions listed.</p> <p>The Commission notes and welcomes the respondent's comment.</p>

Policy considerations with respect to the scope of gas works			
Section	From:	Comments/Proposal	CER Response
5.2.2	METAC	<p>The Commission proposes that commercial Gas Works will be covered with the exception of the following:</p> <p>The welding of pipework for commercial customers.</p> <p>This I feel should state prior to the admission of Gas, as following the pipe work carrying gas there are a lot more to be considered and as a result the person welding this pipework should have knowledge of gas safety.</p> <p>Also the testing and purging of this gas line should be carried out by a trained person as a result of the dangers associated with Purging in particular. The contractor or installer fitting commercial should of safety reasons test and purge the pipework and admit gas to the service valves provided for the appliances to be attached.</p>	<p>The Commission notes the respondent's suggested drafting amendment and will consider such an amendment when incorporating Commercial Gas Works into the regulatory system in the future.</p>

Policy considerations with respect to the scope of gas works			
Section	From:	Comments/Proposal	CER Response
5.2.2	ERS	<p>We believe that the same principal should be adopted within the non-domestic sector, that the designation of gas works for the Commercial and Industrial gas customers be treated in the same manner as domestic gas works insofar that Irish Standard IS 820 clearly identifies appliances as those being used to supply heating and hot water purposes irrespective of the premises they are being used. These categories would be recognised as;</p> <p>(i) Commercial Catering Equipment. (ii) Commercial Laundry Equipment. (iii) Appliances designed to provide heating and hot water (using various technologies).</p> <p>We agree that within the Industrial sector 'Process Plant' be excluded from the 'General' register, however they should be registered as being "Competent" by the manufacturer to work on their type of equipment. However this should not relate to all 'gas works' such as catering equipment, space and water heating appliances as this type of equipment normally installed and maintained by independent companies contracted in and not 'in house' operatives.</p>	<p>The Commission notes the respondent's comments and will consider incorporating them when including Commercial Gas Works in the regulatory system in the future.</p> <p>The Commission notes and welcomes the respondent's comments regarding the appropriateness of excluding Industrial gas works on the basis that 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. The Commission agrees that a person should be regarded as being "Competent" to work on industrial equipment and advises that the Health and Safety Authority already has an enforcement role in this regard.</p>