



North Carolina Irrigation Contractors' Licensing Board

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March 24, 2016

Senator Andy Wells
N.C. Senate
16 W. Jones Street, Room 2113
Raleigh, NC 27601-2808

Dear Senator Wells,

As Chair of the North Carolina Irrigation Contractors' Licensing Board, I write to comment on BILL DRAFT 2015-TQz-40 [v.7] (03/15), short titled: "Amend APA/Sunset Occupational Licensing Bds." Specifically, I am petitioning the subcommittee on Occupational Licensing Board Oversight to remove the North Carolina Irrigation Contractors' Licensing Board (hereinafter "the Board") from the list of occupational licensing boards to be eliminated.

The purpose of licensure and the role of the Board is to protect the public health, safety and welfare and to promote the efficient use of water. By having licensed irrigation contractors, the Board is also able to promote professionalism within the field of irrigation in N.C. and set minimum standards that all licensees must follow. The Board ensures that its licensees stay up to date on the current minimum standards and other laws by mandating the licensees complete 10 hours of continuing education every year. These minimum standards protect the public from having inefficient (water wasting) irrigation systems, protects water quality and also help to conserve our most precious natural resource. Without licensure, there would be no one to enforce these minimum standards. The Board also gives the public a place to register legitimate complaints about poor business practices and inferior work.

The Green Industry represents over an \$8 billion dollar industry in NC employing thousands of people throughout the entire state. This legislation was supported by the Green Industry in NC and was passed during the drought that occurred in 2007. Because of the drought the livelihood of irrigation contractors and other professionals involved in the green industry were adversely affected. For instance, municipalities across the state were limiting irrigation installation due to water shortages. An irrigation system that is well designed and installed following the Board's minimum standards will operate in a water efficient manner while also maintaining the landscape. Thus, the North Carolina Irrigation Contractors' Licensing Board was established by legislation on 1 January 2009.

The Board is actively involved in enforcement of the law. All of the investigators report to Board Counsel for direction and oversight. An irrigation system that is well designed and installed following the Board's minimum standards will operate in a water efficient manner, while also maintaining the landscape. The Board's investigators interview all parties involved and request direct participation from the alleged violator whenever possible. After an investigation is complete, the investigator generates a report, which is then turned over to Board counsel and

the Board chair for evaluation and review. After consulting with the Board counsel, the Board chair makes the final decision on the discipline of the alleged violator, if there is probable cause. In accordance with N.C. General Statute §150B-22, the Board is committed to resolving all disputes through settlement, where possible. All settlement agreements are reviewed by the full Board before being approved. However, if no settlement agreement is reached, the Board gives the alleged violator an opportunity to be heard at a hearing.

Since 2012, the Board has received a total of 661 complaints. On average, the Board receives 162 complaints per year. Of those complaints, the Board has received over 50 complaints of unlicensed practiced where the violator also committed several minimum standards violations. The Board has also received 75 complaints of minimum standard violations against its licensees. Among the most serious minimum standards violation is failure to install a backflow prevention device. The installation of a backflow protects potable water supplies from contamination or pollution due to backflow. The Board has an effective working relationship with the N.C. State Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors and this relationship is especially important when addressing minimum standards violations relating to the backflow installation requirement. North Carolina licensed Irrigation Contractors are eligible to obtain, by examination, a backflow installation license. This results in a savings to the consumer, as the irrigation contractor is not required to subcontract the installation of backflows to a licensed plumber.

Contrary to information received by the subcommittee from the Mercatus Center at George Mason University, the Internet will not fix these minimum standard violations. Several homeowners have sought the Board's help in having their irrigation systems fixed after filing complaints. These same homeowners have expressed that, but for the Board's enforcement of its law, they would have had no outlet – even after leaving negative reviews and attempting to reach out to the CEOs of the companies with which they contracted.

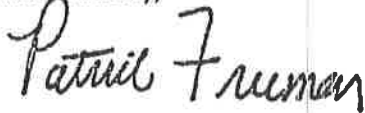
The Board has an effective working relationship with municipalities in the state of North Carolina. Several municipalities, including Charlotte and Cary, refer their citizens to the Board's website. Furthermore, the city of Raleigh has recognized that due to smart irrigation practices, "the city has seen a decline in overall irrigation use and mandatory irrigation days and times have been rescinded and are now included as voluntary actions¹." These smart irrigation practices include the Board mandating that its licensed irrigation contractors use rain sensors and design and install systems to avoid excessive overspray onto impervious surfaces.

The Board is self-funded and thus, self-sufficient in that all of its funds are received from its licensees. The Board has never asked the State for any funding to operate; additionally, the Board counsel is fully funded by the Board for work performed on its behalf.

¹ See City of Raleigh, <http://www.raleighnc.gov/services/content/PubUtilAdmin/Articles/WaterConservationAndEfficiency.html> (last visited on Mar. 23, 2016).

As you can see, this Board has taken and continues to take its role very seriously. The goal of the Board is to continue to carry out its duties effectively. We appreciate the opportunity to provide feedback on this monumental decision. It is my hope that the subcommittee realizes the importance of preserving the Board and the Board's significant role in protecting the citizens of North Carolina.

Respectfully,

A handwritten signature in cursive script that reads "Patrick Freeman".

Patrick Freeman

Chairman, North Carolina Irrigation Contractors' Licensing Board

cc: Barbara U. Geiger, Board Administrator
Rana M. Badwan, Board Counsel to North Carolina Irrigation Contractors' Licensing Board