

**Draft minutes
State of Oregon**

**Agenda
Item
I.D.**

Board of Boiler Rules

**Regular meeting minutes
September 1, 2009**

Members present: Dennis Coplin, Chairman
Mike Bradley, Vice-chairman
Anthony Barsotti
Robert Cowling *connected by teleconference*
Bruce Fellows
Jon Hooker
Thomas Perritt
Edward Pitzrick
Mark Stenberg

Members absent: Vincent Leedy

Staff present: Patrick Allen, administrator
Chris Huntington, policy and technical services manager
Liz Browder, enforcement services manager
Jim Hanson, policy analyst
Brent Griffiths, lead worker, enforcement
Shauna Parker, rules coordinator
Debi Barnes-Woods, division boards coordinator

Guests present: Kenneth W. Adams, Hartford Steam Boiler
Clay Rodes, CAN Insurance
Tim Barker, FM Global
Russ Bartlet, Travelers Insurance
Ray Andrus, Travelers Insurance
Keith Forsythe, OBPVA
Jerry Witt, OBPVA
Jay Bashard, Cole Insurance
Nortin West, Cole Insurance
Bruce Lewis, NW Natural
Rodger Vingnery, quality control professional Temp Control

I. Board business

A. Call to order

Chairman Dennis Coplin called the Board of Boiler Rules board meeting to order at 9:30 a.m. The meeting was held at the Building Codes Division, Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

B. Roll call

Vince Leedy was absent excused. Robert Cowling connected by teleconference.

C. Approval of the agenda and order of business

Chair Coplin **RULED** the agenda approved.

D. Approval of the meeting minutes

Chair Coplin **RULED** the regular meeting minutes of June 2, 2009 approved.

E. Date of the next regularly scheduled meeting

December 1, 2009

II. Public comment

Ray Andrus, special inspector for Travelers Ins., discussed inspection of non-boiler external piping installations noting that insurance companies should not be held responsible for the inspection. Mr. Andrus also discussed the installation of boilers and pressure vessels in an “insured” location by the insurance inspectors. He added that in new construction, special inspectors should not be responsible for inspection because the building is not yet owned by the insured and because the special inspector's insurance company does not yet cover the equipment. Mr. Andrus said that the contractor should be responsible for new construction as the building is being built.

Clay Rhodes, CNA Insurance, and Tim Barker, FM Global both agreed with Mr. Andrus.

Jerry Witt, Vice-President of Boiler Association, OBPVA, was concerned with special inspectors not having the proper training in B31.1 and B31.9, which causes difficulties with the contractors, owners of buildings, and others. He noted that the contractors are facing inconsistencies among the different insurance company inspectors when installing new systems in new buildings. In one case, inspectors were not meeting deadlines, which caused Federal grant monies to be in jeopardy. Mr. Witt suggested that the board form a committee establishing standardized criteria for inspection of new construction for special inspectors. He suggested that in the interim, the state should conduct the inspections for new installations in new buildings.

Jay Bushard, Cole Industrial, noted that he recently spent extra time with a special inspector after an installation of a piping system reviewing the B31.1 code and what that inspector's responsibilities were. He also noted that when filing a permit for boiler repair, every permit is being forwarded to Hartford Steam Boiler. Unless an “R” Stamp is filed, Hartford Steam Boiler will not inspect the boiler.

Board and division staff comments

As a member of the board representing the insurance industry, Edward Pitzrick noted that the problem is not just with piping, it is also with the inspection of new installations. It is not the insurance company's responsibility to provide free service with no contractual agreement. Mr. Pitzrick agrees with comments made under public comment and noted that the division should be responsible for inspections of new construction.

Chairman Coplin agreed that currently there are no set criteria when inspecting new installations in new construction. An updated checklist should be made available to the contractor so there is no confusion. He noted that unnecessary burden is being placed on the insurance companies who have no way of recovering costs. Chair Coplin said that public safety policy is not being followed.

Administrator of Building Codes Division Patrick Allen agreed that public safety is the mission of the program. He noted that a fee increase just passed through legislation that allows the division not to lay off three of its boiler inspectors. He said that he must make decisions and prioritize issues based on resources available. Oregon is one of the few states that require inspections on non-boiler external piping.

Chair Coplin noted that there is too much confusion among industry, the state, and the board on who is responsible for doing what.

Administrator Allen agreed. He noted that he would like to pursue the issue of immediately clarifying what is in statute and noted that it may be necessary to involve the DOJ in the issue.

Jon Hooker suggested possibly using a third-party inspection company for the inspection of new construction in new buildings.

Public comment

Ray Andrus noted that every boiler inspector for the State of Oregon and for insurance companies is required to pass the National Board Exam, which qualifies individuals to be special inspectors. What they do not know is the installation requirements. He added that the Oregon Revised Statutes only allow deputy inspectors and special inspectors to inspect the specialized piping.

Board comment

Mr. Pitzrick recommended that non-boiler external piping be removed from the definition of boiler in statute.

Motion by Anthony Barsotti for the board to work with the division in developing an ongoing committee to review items such as non-boiler external piping and new installation inspections.

After board discussion concerning the issues, the board decided to reconvene the boiler scoping committee to review the two immediate concerns.

Motion withdrawn by Anthony Barsotti

III. Reports

A. Building Codes Division report

Chris Huntington, policy and technical services manager noted that Andrea Simmons has recently accepted a promotional opportunity with the Oregon Department of Energy. He then discussed the rulemaking activities listed in the [BCD Update](#) packet. He noted that the structural and mechanical specialty code adoption process has begun. The anticipated effective date for the 2010 OSSC and OSMC is April of 2010.

Manager Huntington discussed the division's process of forming a committee to prepare for the adoption of the nation's first statewide solar energy code.

Manager Huntington then discussed the progress of the full-service system for ePermitting. The new on-line service will continue to supply access for ordering permits, but it will also include streamlined plan review of construction plans, along with on-line submissions of project approval and inspection tracking services. The first jurisdictions are expected to join the full-service system by early 2010.

The Green Building Services section is working with the governor's priorities aimed towards making buildings in Oregon perform more energy efficiently.

Legislative overview:

HB 2200 became effective July 1, 2009. The bill increases boiler permit and inspection fees, boiler installation permits will go to a flat fee rate rather than an hourly rate, and the elevator hourly inspection rates and re-inspection fees will increase.

SB 79 accomplishes three things:

- Creates a task force on energy performance scores
- Requires an increase in the energy efficiency of 15-25 percent in commercial structures and 10-15 percent in residential structures by 2012
- Authorizes the development of a voluntary "reach code" containing construction methods for achieving higher levels of energy efficiency than under the statewide code

HB 2950 creates a Construction Industry Energy Board consisting of members from some of the existing boards and eliminates the Manufactured Structures and Parks Advisory Board bringing two of its positions to the Residential Structures Board and renaming the board the Residential and Manufactured Structures Board.

HB 2080 will put the definition of gray water in statute and the bill requires the Department of Environmental Quality to develop rules for permits to allow for use of gray water for beneficial uses, excluding irrigation. New rules may affect the division's current alternate methods regarding gray water.

HB 3462, passed by the 2009 Legislature, has two major components related to inspector certification. First, it authorizes the division to establish renewal periods and fees for certifications (Phase I). Second, it authorizes the division to create a pilot program to develop specialized inspector certifications and training. (Phase II). A committee was established to focus exclusively on implementing the first phase of HB 3462 rulemaking, dealing with the inspector and building official certification renewal periods, processes, and fees. Phase II will begin later this fall and will follow a separate process.

HB 3450 requires carbon monoxide alarms in certain one -and two-family dwellings and in multi-family housing at the time of sale or transfer. All new construction will require an alarm after April 1, 2011.

B. Program update

Chief Boiler Inspector Mike Graham noted that the division has hired a new boiler inspector Mario Ramirez.

IV. Communications

A. Update on legislative changes to the boiler and elevator programs

Although this agenda item is for informational purposes only, Chair Coplin noted that in House Bill 2200 it says that the boiler and elevator programs would be aligned to increase efficiency and reduce administrative costs and then under implementation is says that there will be other changes to align the programs that will be implemented over the next year. Chair Coplin asked specifically if the two programs would be combined in any other way than database. Administrator Allen said no.

B. Update on boiler inspections

Administrator Allen noted that because of the board's questions about boiler & pressure vessel [overdues](#), he had reviewed the issues. First, it was discovered that many of the apparent overdue inspections were the result of bad data. The state and insurance companies worked to clean up the data, which resulted in a 30 percent reduction in the overdue inspection numbers.

Second, the division identified the highest priority overdue boiler inspections and sent this list to state and insurance inspectors. Those high priority inspections will be completed between now and the next board meeting. Third, the division will work towards the long-term goal of reducing all boiler overdue inspections.

**C. Boiler license examination study guides (Class 2, 3, 4 and 5) now available –
*Web site link only***

http://www.cbs.state.or.us/external/bcd/programs/boiler/study_guides.html

V. Appeals – None

VI. Unfinished business - None

VI. New business

Board review and approve permanent rules to align boiler and pressure vessel fees and permit rules with statutory changes made by House Bill 2200

Jim Hanson reviewed some of the additional changes to the rules. Instead of the small permit fees for installations plus an hourly inspection rate for installation inspections, the permit fee is now a flat amount, and permit fees are now non-refundable. Also, if the inspector must revisit the site due to the owner not providing access, or the boiler is not ready for inspection, the rescheduled inspection will be charged at the hourly rate allowed in statute. The proposed rules also clarify how the division will administer late fees that are assessed upon expired operating permits.

Edward Pitzrick noted that on page 1 of the proposed rules under new section (2) it states; “an operating permit fee includes one inspection of the boiler or pressure vessel.” Mr. Pitzrick said that boilers require 2 inspections per year under the operating permit. Mr. Pitzrick proposed that correction.

Tony Barsotti discussed a related problem addressed in 918-225-0730 addressing “Requirements for Businesses Doing Welding or Brazing”. He said that there is a gap in the system because the rule does not introduce the word “fabrication” to the following subsections (1) and (2). Mr. Barsotti noted that the introductory sentence to the rule should read: “All persons in the business of installing, altering, “fabricating” or repairing boilers, pressure vessels, or pressure piping shall develop and maintain a quality control system before doing welding or brazing.” He asked if housekeeping issue can be addressed at the same time as aligning the boiler and pressure vessel fees?

Manager Huntington noted that the board has the following options in this matter:

- Direct the division to review the rules bringing them back to the board at a later date moving the proposed rules forward to public hearing, or

- Make a separate motion to move 918-225-0730 forward to public hearing with the proposed rules that is included in the board packet

Public comment

Ray Andrus noted that the reasoning behind fabrication not being part of the rules is that fabrication is all covered by ASME Code.

Rodger Vingnery, quality control professional at Temp Control, noted that adding the word “fabrication” would make it consistent with what is already noted in Frequency of Inspections.

Motion by Anthony Barsotti to approve the proposed rules as submitted by the division with an amendment to OAR 918-225-0600(3) deleting “one” and inserting “two” inspections of the boiler or pressure vessel for public hearing and subsequent adoption if no substantive changes occur as a result of the hearing.

Motion carried unanimously

Motion by Anthony Barsotti to approve, pending division assessment of potential conflicts, to amend OAR 918-225-7030 to add fabrication to the introductory sentence in OAR 918-225-0730 to read: “All persons in the business of installing, altering, “fabricating” or repairing boilers, pressure vessels, or pressure piping shall develop and maintain a quality control system before doing welding or brazing.”

Motion carried unanimously

VIII. Announcements - None

IX. Adjournment

Chair Coplin adjourned the meeting at 11:36 a.m. p.m.

Respectfully submitted by,

Debi Barnes-Woods
Division Boards Coordinator