

**Draft minutes  
State of Oregon**

**Agenda  
Item  
I.D.**

**Board of Boiler Rules**

**Regular meeting minutes  
December 1, 2009**

- Members present:** Dennis Coplin, Chairman  
Mike Bradley, Vice-chairman  
Anthony Barsotti  
Robert Cowling  
Bruce Fellows  
Vincent Leedy  
Edward Pitzrick  
Mark Stenberg
- Members absent:** Jon Hooker  
Thomas Perritt
- Staff present:** Chris Huntington, policy and technical services manager  
Mike Graham, chief boiler inspector  
Liz Browder, enforcement services manager  
Celina Patterson, statewide services manager  
Andrea Fogue, green building and legislative affairs manager  
Jim Hanson, policy analyst  
Ree Armitage, policy analyst  
Mario Ramirez, boiler inspector  
Tom Shernisky, boiler inspector  
Tom Klug, boiler inspector  
Mark Perdue, deputy boiler inspector  
Robert Graham, boiler inspector  
Thomas League, boiler inspector  
Nick Limin, boiler inspector  
Sherry Mitchell, boiler safety administrative specialist  
Shauna Parker, rules coordinator  
Debi Barnes-Woods, boards coordinator
- Guests present:** Rodger Vignery, quality control professional, Temp Control  
Kenneth W. Adams, Hartford Steam Boiler  
Tim Barker, FM Global  
Russ Bartlet, Travelers Insurance  
Ray Andrus, Travelers Insurance  
Jerry Lanz, Lanz Industrial  
Gary Penkava, Hartford Steam Boiler  
GF Schenermann, Local 290  
Blake Alexander, Charter Mechanical

Ryan McShannon, TEM Corp  
Roy Thompson, WSF  
Dale McLouth  
Steve Collins, CH Murphy  
Greg Itoh

**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**

Jon Hooker and Thomas Perritt were both absent excused.

**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 September 1, 2009 approved.

**E. Date of the next regularly scheduled meeting**

March 2, 2010

**F. 2010 board calendar dates**

**II. Public comment - None**

**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. Because of the move, Berri Leslie has accepted the position of acting Deputy Administrator of Building Codes Division. Andrea Fogue, from the League of Oregon Cities has accepted the position as the new Legislative and Green Building Services Manager. Ree Armitage from the Oregon State Legislative staff is the newest policy analyst in Policy and Technical Services. Manager Huntington then discussed the legislative and rulemaking activities listed in the [BCD Update](#) packet.

HB 3462, passed by the 2009 Legislature, has two major components related to inspector certification:

- It authorizes the division to establish renewal periods and fees for certifications (Phase I).
- It also authorizes the division to create a pilot program to develop specialized inspector certifications and training. (Phase II).

A committee was established and has completed its work. This committee focused exclusively on rulemaking for the first phase of HB 3462, the inspector and building official certification renewal periods, processes, and fees. The Public Hearing is scheduled for December 16, 2009. The anticipated effective date for Phase 1 rules is July 1, 2010.

Rulemaking for Phase II follows a separate process and will begin later this fall. Manager Huntington noted that the legislature has authorized this pilot program to run for seven years as a trial period. If the program is a success, then the division will take it back to the legislature to make it permanent.

Anthony Barsotti asked if the pilot could be used to train boiler inspectors who may not have adequate training. Manager Huntington noted that the focus would be for those inspectors who perform work by local jurisdictions. Manager Huntington noted that the division would research the bill and get back to the board at a future date.

HB 2950, created the Construction Industry Energy Board. That board's meetings and activities can be seen on the [division's Web site](#)

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.

SB 79 accomplishes three things:

- Creates a task force on energy performance scores
- Requires a 15-25 percent increase in the energy efficiency of commercial structures and 10-15 percent efficiency increase 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

Manager Huntington noted the mandatory state office closure dates.

**B. Summary of enforcement actions previously taken by the division for the case outlined on the enforcement report. (No board action required)**

Manager of Enforcement Services, Liz Browder noted that one program change is to regionalize the enforcement section and to have a larger presence in the field.

Manager Browder has recently assigned Skip Smith to the Eastern Oregon area following training, where he is now permanently stationed.

### **C. Program update**

Chief Boiler Inspector Mike Graham noted that the division has hired three new boiler inspectors:

- Mario Ramirez, working in Washington County, Multnomah County and the Northern Coastal area. Mr. Ramirez relocated from Iowa and has previously worked as an insurance inspector
- Tom Shernisky, working in the Portland-area. Mr. Shernisky relocated from Alaska, where he was a jurisdictional inspector
- Tom Klug, working in the Bend area and is also doing some backup inspections in other territories. Mr. Klug moved from Eastern Washington, where he worked as an insurance inspector

Chief Graham noted that there have been questions from industry whether National Board classes could be counted towards continuing education. Because of the current process, the issue needs to be discussed before the scoping committee.

Manager of Statewide Services Celina Patterson briefly discussed the database replacement project and reviewed the overdue inspection report, focusing mainly on high-risk boilers. Manager Patterson reviewed what was required of the state and the insurance company inspectors to deal with overdue inspections:

- Data clean-up
- Inspections of the highest-risk boilers by December (spreadsheet was provided by BCD)

Manager Patterson noted that once the electronic data process is in place the program would have better tools to evaluate the problems on a long-term basis.

### ***Public testimony***

Rodger Vignery, quality control professional, Temp Control, said that overdues on power boilers might be caused from the inspector having to wait for scheduled outage times. Mr. Vignery noted that the plant usually shuts down only twice a year. Mr. Vignery suggested that the inspector contact the plant for a schedule of the shutdown dates in order to plan properly for inspections.

Tim Barker, FM Global, noted that the heating boilers are a concern as well as the power boilers in the winter weather.

### ***Division and board comment***

Manager Patterson noted that overdues are printed out one year in advance to allow for issues such as winter weather.

Chair Coplin suggested that the permit be changed to match the inspection date sometime in the summer to prevent resistance from the owners on having to shutdown the boiler during bad weather.

Manager Patterson noted that last legislative session, through House Bill 2200, allows the division to tie the permit and the inspection together using the new database. Once the new database is in effect, it will be possible to include the last inspection date on the permit.

#### **IV. Communications**

Anthony Barsotti discussed the progress of the Boiler Board Scoping Committee. The committee had gathered to develop questions of concern by board members to be directed to the Assistant Attorney General. The committee discussion relates to:

- New inspections
- Non-boiler external piping (when insurance companies become involved)
- How resources for the program are allocated
- Boards authority verses division authority

Mr. Barsotti noted that the committee has come up with seven or eight questions related to the subjects above that will be sent to the Assistant Attorney General for resolution as soon as the questions are finalized. Once the AAG has reviewed the questions, the AAG will be addressing the board.

Chair Coplin noted that until the AAG answers these questions, the board is unaware of the board's authority. Once the board is made aware of the board's authority on the issues that are being addressed, Chair Coplin noted that the board would know how to move forward.

#### **Update on legislative changes to the boiler and elevator programs**

Jim Hanson, policy analyst, addressed the board on this item. He noted that the public hearing was held on November 18, 2009 with no one testifying and no written comments received. The proposed permanent rules would become effective January 1, 2010.

**V. Appeals** – None

**VI. Unfinished business** - None

**VI. New business**

**VIII. Announcements** – None

**IX. Adjournment**

Chair Coplin adjourned the meeting at 11:00 a.m.

Respectfully submitted by,

Debi Barnes-Woods  
Division Boards Coordinator