

THIS IS A DRAFT

State of Oregon

BOARD OF BOILER RULES

**Regular Meeting Minutes
September 14, 2004**

MEMBERS PRESENT: Dale McLouth, Chairman
John Endicott, Vice-Chairman
Dennis Coplin
Robert Cowling
William Fernelius
John Pyle
Monty Redfearn
Russell Williams

MEMBERS ABSENT: Steve Nelson
Thomas Perritt
Fred Widman

STAFF PRESENT: Andrea Simmons, Manager of Policy and Technical Services
Ray Andrus, Chief Boiler Inspector & Board Secretary
Dan McNally, Interim Statewide Services Manager
Laurie Skillman, Manager of Enforcement and Licensing
Roseanne Nelson, Senior Enforcement Officer
Enforcement Investigator
Debi Barnes-Woods, Division Boards Coordinator

GUESTS PRESENT: Jerry Lantz, Lanz Boiler
Ed Pitzrick, Chubb

I. BOARD BUSINESS

I.A. Call to Order

Chairman Dale McLouth called the Oregon Board of Boiler Rules to order at 9:30 a.m. The meeting was held at the Building Codes Division, 1535 Edgewater NW, Salem, Oregon.

I.B. Roll Call

Steve Nelson and Fred Widman absent, excused. Thomas Perritt absent, not excused.

I.C. Approval of Agenda and Order of Business

Chairman McLouth **RULED** the agenda approved as submitted.

I.D. Approval of the Regular Board Meeting Minutes of June 08, 2004.

Chairman McLouth **RULED** the regular meeting minutes approved as mailed.

I.E. Date of the Next Regularly Scheduled Meeting

December 07, 2004.

II. PUBLIC COMMENT - None

III. REPORTS

Laurie Skillman, Manager of Enforcement and Licensing, reported on the streamlined version of enforcement cases presented in the board packet. Her comments included suggestions from other boards to simplify the process. Chairman Dale McLouth suggested that the number of violations be included on the new version for each violator.

- A.1. Repeat Violator Severson Plumbing & Mechanical Inc.,** Senior Enforcement Officer, Roseanne Nelson presented the case. The company entered into a second consent order, which has been signed. The company installed boilers and pressure vessels (five in total) without permits. Ms. Nelson explained the penalties by using the penalty matrix. The division recommended approval of the second consent order.

MOTION by Russell Williams to adopt division recommendation for approval of the second consent order for Severson Plumbing & Mechanical Inc.
MOTION CARRIED UNANIMOUSLY.

- A.2. Repeat Violator Gerald Ripley, dba Air Guy.** Ms. Skillman explained the penalties for Gerald Ripley, dba Air Guy by using the penalty matrix.

MOTION by Vice-Chairman John Endiocott to adopt division recommendation for approval of the consent order for Gerald Ripley, dba Air Guy.
MOTION CARRIED UNANIMOUSLY.

Jerry Lanz, Lanz Boiler, questioned the board on a specific permitting issue. Mr. Lanz had taken a permit out after an installation for a contractor who failed to due so. The installation was inspected and properly installed. Because the permit was not taken out prior to the installation, an enforcement case will be before the board. Although Mr. Lanz did not perform the installation, he is the installer of record. Mr. Lanz was concerned that he would be held liable for the violation. The manager of enforcement assured Mr. Lanz that if a penalty was assessed, the company would be responsible, and not the individual who was making sure the installation was in compliance.

- B. Summary of compliance actions previously taken by the division for cases III.B.1 through 8. (No board action required)**

These cases have been reviewed and approved by the Boiler Compliance Sub-Committee and were signed by the division. There was no discussion on this agenda item.

- C. Program update.**

Andrea Simmons, Manager of Policy and Technical Services, had several items of interest to report.

Continuing education. Concerns were expressed at a previous board meeting for licensed individuals in the military who were not able to complete required continuing education. Manager Simmons met with the boiler continuing education committee to proceed with putting a process and procedure policy in place for licensures in the military.

Chief Andrus added that Jonathan Graves, Industrial Training Unlimited, is ready to test run the online continuing education course for the Continuing Education Committee that Mr. Graves' company developed. A meeting will be scheduled.

New Mechanical Board. Nine members have been selected by the Governor and are waiting for Senate Confirmation September 22, 2004. Once confirmed, the new board has a tentative meeting date of November 3, 2004.

Code Adoption Committee. A list of Boiler and Pressure Vessel Code Adoption Committee members was distributed, *Exhibit "A."* The committee will begin to meet January 2005 after the ASME codes and the National Board Inspection Code (NBIC) is available. Manager Simmons briefed the board on code adoption with other program areas.

Construction Industry Policy Advisory Committee (CIPAC). CIPAC is a committee of BCD stakeholders, including industry, labor and local government representatives. The committee provides a forum to discuss issues that affect the construction industry, and to recommend solutions to improve statewide consistency, customer service, and accountability. (*Exhibit "B"*)

Questions the group agreed to come to a consensus on by October:

- Where should the division be located?
- What should the division's relationship with other state agencies be?
- What should the division's funding structure be?
- Organizational structure with division boards?

New Licensing System. The new system has been purchased and will be tested on the journeyman plumbers, contractors and supervising electricians. The system is expected to be fully operational January 2005.

Budget. *Exhibit "C,"* was distributed and a review of the ending fund balances was the focus of discussion. Between 2001 and 2003 is where the budget began to stabilize. The division, in the past, made a decision to allow the 2% money collected from surcharge be transferred to one program area to another. Now the 2% funds that are collected remain in the program in which it was received.

Meetings with Board Chairs and Vice-Chairs. Manager Simmons reported that due to Vice-Chair Endicott's suggestion at a prior board meeting, a scheduled meeting will occur September 28 with all board Chairmen and Vice-Chairmen to discuss consistency and uniformity across program areas.

Vice-Chairman Endicott explained that the meetings would be good to fix discrepancies between boards before legislation begins.

Legislative concepts. The division is supporting two legislative concepts:

- Create consistent administrative provisions for all license types.
- Create elevator inspection requirements that allow the division to focus resources on life safety issues.

Enforcement and the new “ticket book.” The division, along with NECA, IEC and IBEW Local 280, developed a new citation ticket book and process that streamline and enhance enforcement efforts. This pilot program has resulted in a uniform method of enforcement across program areas. The ticket book is for licensing violations with a civil penalty amount of \$1000. Information is provided on the back of the book with hearing rights and how to pay fines.

Dennis Coplin questioned the purpose behind the visible licensing law. He felt that \$1,000 fine was too much for not wearing the license, although he felt that a fine needs to be enforced. The law was put in place to allow an inspector or investigator, when visiting a site, to easily view the area for unlicensed individuals.

Bill Fernelius said that enforcement does not exist in eastern Oregon and questioned whether it was possible to start a pilot project related to enforcement in that area. Manager Simmons said the pilot project for the electrical program is funded by industry and is being reviewed by stakeholders for its success. She suggested that the pilot project be in-placed before more commitments are made.

(Break)

Boiler safety improvements. A task force was formed to review areas of concern. Documents were developed for minimum boiler operator standards and minimum maintenance standards. Those standards are already included in the ASME code sections 6, 7 and CSD1. Because those sections are inclusive in the adopted code, it was suggested that the documents the task force developed be reviewed and updated to be guidelines for boiler owners. The documents for guidelines are “Minimum Boiler Maintenance Standards” and Minimum Boiler Operational Standards.”

Overdue inspections. The boiler program has reduced overdues by 55% and insurance by 35% since January 1, 2001. *Exhibit “D.”*

Consolidated licensing. Manager Simmons said the forms have been mailed and are now available. The division has received requests from contractors to obtain the consolidated licenses and some have chosen the two-year contractor license versus the annual license. The process was reported as being successful.

IV. COMMUNICATIONS - None

V. APPEALS - None

VI. UNFINISHED BUSINESS - None

VII. NEW BUSINESS

IX. ADJOURNMENT

Chairman Dale McLouth adjourned the meeting at noon.

Respectfully submitted,

Debi Barnes-Woods
Division Boards Coordinator/Recorder

Exhibits:

- A. A list of Code Adoption Committee members, *Agenda Item III.C.*
- B. Construction Industry Policy Advisory Committee member list, *Agenda Item III.C.*
- C. Overdue inspection report, *Agenda Item III.C.*

**TO OBTAIN COPIES OF EXHIBITS, A PUBLIC RECORD REQUEST MUST BE COMPLETED
BY CLICKING ON THE LINK PROVIDED.**

<http://www.cbs.state.or.us/external/bcd/pdf/2568.pdf>