

**Final minutes
State of Oregon**

**Agenda
Item
I.D.**

Board of Boiler Rules

**Regular meeting minutes
September 9, 2008**

- Members present:** Dennis Coplin, Chairman
Mike Bradley, Vice-chairman
Anthony Barsotti
Robert Cowling
Bruce Fellows
Jon Hooker
Vincent Leedy
Thomas Perritt
Edward Pitzrick
Mark Stenberg
- Members absent:** None
- Staff present:** Mark Long, administrator
Andrea Simmons, green building services and legislative affairs manager
Chris Huntington, policy and technical services interim manager
Mike Graham, chief boiler inspector and board secretary
Liz Browder, field inspection manager
Jon Hills, enforcement and licensing manager
Robert Salinas, enforcement and licensing assistant manager
Celina Patterson, interim manager of statewide services
David Bassett, special projects coordinator
Shauna Parker, rules coordinator
Debi Barnes-Woods, division boards coordinator
- Guests present:** Ray Andrus, Travelers Insurance
Gary Penkava, HSBIS
Jerry Lanz, Lanz Boiler
Russ Burtlett, Travelers Insurance
David Bacon, FM Global
Rodger Vignery, A&V Code Consulting, Inc.
Mrs. Vignery
Bruce Linehan, Georgia Pacific
Dale McLouth, past Board of Boiler Rules Chairman
John Pyle, HSBIS

I. Board business

A. Call to order

Chairman Dennis Coplin called the Board of Boiler Rules 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

All members were present.

C. Approval of amended Agenda and order of business

Chairman Coplin **RULED** the Agenda approved.

D. Approval of the regular board meeting minutes of June 3, 2008

The minutes of June 3, 2008, were changed to reflect board member Vincent Leedy absent excused.

Chairman Coplin **RULED** the regular meeting minutes of June 3, 2008 approved as amended.

E. Date of the next regularly scheduled meeting

December 2, 2008

II. Public comment

Ray Andrus, Travelers Insurance, thanked Administrator Long and staff on behalf of the [American Insurance Association](#) for a workable solution for the non-boiler external piping issue.

Mr. Andrus also addressed some concerns he heard within industry about de-regulating piping. Mr. Andrus said that it would take a statutory change through legislation for that type of change to occur. Oregon Revised Statute 480.560 states that pressure piping shall be inspected upon installation.

III. Reports

A. Building Codes Division report

Administrator of Building Codes Division Mark Long noted that the division has order a 1986 codebook to analyze the definition of pressure piping in statute that refers you to B31.1. It has been brought to the divisions' attention that a question has been asked whether the division has been over-regulating.

Administrator Long briefed the board on the contents of the [BCD Update](#) packet. He referred to the document "BCD in Focus" that addresses green building. Administrator Long noted that in 2010 green building in the United States is projected to reach a gross of 60 billion dollars and increase 30 to 40 billion annually.

(Communication Item IV.B, heard out of order)

IV.B. Informational discussion of statutes, rules and codes with Assistant Attorney General

Judith Anderson, assistant attorney general assigned to the division, was introduced. Administrator Long explained her role as it relates to the division.

Ms. Anderson gave an over view of statutes, rule, and code as it relates to the Board of Boiler Rules. She explained that the board may only take action where the law provides them authority to do so. Ms. Anderson noted that in the Oregon Revised Statutes 480.535 lists the authority of the Board of Boiler Rules.

She noted that the rulemaking authority cannot be expanded for the division or the board beyond what is provided by statute. Ms. Anderson advised members to refer to statute when questioning whether the board has authority to write rule or whether there is an existing conflict between rule and code.

Anthony Barsotti asked Ms. Anderson if she had a chance to review the ASME Codes that are referenced in statute for the Board of Boiler Rules. Ms. Anderson replied that she did not have the opportunity to review for any potential conflicts.

Administrator Long advised the board to craft specific questions of concern for Ms. Anderson through the board Chairman in the form of a memo and then directs it to the division to prevent duplicate questions.

Ms. Anderson noted that there are three different levels of help that the AG's office can give as the board's attorney:

- Level one is a specific question to the division's assigned AAG in the form of a memo
- Level two is a review of an issue by a number of attorney's then answered in the form of an opinion
- Level three is a formal opinion/advise from the Attorney General

Mr. Barsotti asked for clarity: "What type of board is the Board of Boiler Rules; is it a policy board or an advisory board?" The Board of Boiler Rules is an advisory board that may write rules and submit them to the director. If the director does not respond within a specified amount of time noted in statute, then the rules become effective. [ORS 455.010](#) contains the definition of advisory board.

Administrator Long explained the difference between a policy board and an advisory board. Ms. Anderson added that [ORS 480.545\(6\)](#) has more information pertaining to the specific board.

Chairman Coplin noted that if board members have specific questions for the AAG, to direct them through him rather than sending them directly to the division or the AAG. This would prevent duplication of questions from other board members.

(Agenda back in order)

B. Summary of enforcement actions previously taken by the division for cases 1 through 5, outlined on the enforcement board report. (No board action required)

Enforcement and Licensing Manager Jon Hills announced that the division has filled the vacant enforcement officer position with Tammy Trenholm who is currently out in the field.

Manager Hills noted that the division will be conducting multi-agency sweeps with several other agencies and will report on the results of the sweeps as they occur.

C. Program update

Study guide: Chief Boiler Inspector Mike Graham reported that the study guide is expected to be completed by October.

(IVB was heard out of order)

IV. Communications

A. Statewide Code Interpretation for safety valve pressures and pressure vessel periodic inspection exemptions

Due to misunderstandings about the scope of the exemption for pressure vessels from periodic inspection requirements, Chief Graham noted that a Statewide Code Interpretation was issued. He said that it is not the operating pressure that determines the exemption for boiler pressure vessels, it is maximum pressure allowed by the safety valve that determines whether a vessel qualifies for the exemption by not exceeding 15 psi.

V. Appeals – None

VI. Unfinished business

Board review and approve the pressure vessel inspection frequency proposed rule amendments for public hearing

After the completion of an audit of the boiler program to determine possible program improvements, a recommendation to reconsider the frequency of pressure vessel inspections was put forward. A committee was formed that met several times to concentrate maximum inspection resources on vessels that pose greater life safety hazards and fewer resources on inspection vessels that pose lesser risks. The proposed rules came out of the committee's recommendations.

Motion by Anthony Barsotti to approve the proposed rule amendments for public hearing, to be effective, unless there are substantive modifications, January 1, 2009.

Motion carried unanimously

VI. New business

A. Board review and approve the proposed rule amendments of the 2008 Oregon Boiler and Pressure Vessel Specialty Code

Celina Patterson, interim manager of statewide services, explained the division normally adopts the new updates of the ASME Code without amendments. However, the National Board published a new part of an inspection installation code in 2007, which may become a mandatory code section. The Boiler Code Review Committee met on August 13, 2008 and made recommendations concerning the following standards:

- Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers (ASME), 2007 edition;
 - ANSI/ASME B31.1 Power Piping Code, 2007 edition;
 - ANSI/ASME B31.3 Process Piping Code, 2006 edition;
 - ANSI/ASME B31.5 Refrigeration Piping Code, 2006 edition;
 - ANSI/ASME B31.9 Building Service Piping Code, 2004 edition;
 - National Board Inspection Code ANSI/NB23, 2007 edition;
 - NFPA 85, Boiler and Combustion Systems Hazards Code, 2007 edition;
- and,

- ASME CSD-1, Controls and Safety Devices for Automatically Fired Boilers, 2006 edition.

Chief Graham reviewed the [committee action](#) for all chapter sections.

Section 4.4.1: Chairman Coplin suggested including a reference to B 31 codes for clarity of the section.

Motion by Anthony Barsotti to approve the proposed rule amendments for public hearing, with the finding that the added costs, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

Motion carried unanimously

B. Board review and approve the proposed rule amendments to allow alternate method rulings in the boiler program and revise the boiler data report rule

Ms. Patterson explained the [Division 008](#) rules that were adopted to provide consistent processes for code interpretation and alternate methods with all the other code programs. The proposed rules would include the boiler program to provide consistent processes for all the programs. It was noted that the revised boiler data report rules were also included. It was suggested that 918-225-0450(2) include “usable data report” due to the fact that some manufacturer’s data reports come from overseas. Board members agreed to allow the division to include language to meet the needs of this issue.

Motion by Robert Cowling to approve the proposed rule amendments for public hearing with the suggested amendment to include clarification of 918-225-0450(2) by the division, to be effective, unless there are substantive modifications, January 1, 2009.

Motion carried unanimously

C. Board review and approve the proposed rule recognizing boilers and pressure vessels built to standards other than ASME accepted by the National Board

At the June 3, 2008, board meeting a discussion took place concerning the time it takes for the National Board to approve international standards. The division completed research on the issue and found that the National Board had developed a list of international standards that it had recognized prior to the National Board’s involvement in the ISO TC-11 process, which included British Standards, Canadian Standards, European Community Standards, and French Standards. The division has drafted a rule that would recognize boilers or pressure vessels designed or constructed in accordance with British Standards, Canadian Standards, European Community Standards, and French Standards. The division is asking the board to review and approve the proposed rule for public hearing.

In order to make sure safety standards are met, members suggested to include in the proposed rule that foreign standards must include the data report information in English and that the boilers or pressure vessels must also be equipped with ASME safety valves.

Motion by Bruce Fellows to approve the proposed rule recognizing standards previously reviewed by the National Board with the amendment to include the data report information in English and the requirement for ASME safety valves.
Motion carried unanimously

- D. Board review and discuss Specialized Piping Permit Program rules**
Board moved to table this item for the next scheduled board meeting December 2, 2008.

VIII. Announcements - None

IX. Adjournment

Chairman Coplin adjourned the meeting at 1:05 p.m.

Respectfully transcribed and submitted by,

Debi Barnes-Woods
Division Boards Coordinator