

**Draft minutes
State of Oregon**

Agenda Item I.D.

Board of Boiler Rules

**Regular meeting minutes
March 3, 2009**

Members present: Mike Bradley, Vice-chairman
Anthony Barsotti
Robert Cowling
Bruce Fellows
Jon Hooker
Vincent Leedy
Thomas Perritt
Mark Stenberg

Members absent: Dennis Coplin, Chairman
Edward Pitzrick

Staff present: Mark Long, administrator
Chris Huntington, policy and technical services manager
Celina Patterson, manager of statewide services
Dana Fischer, para-technical support specialist
Debi Barnes-Woods, division boards coordinator

Guests present: Curt Lundine, Curt Lundine Consulting
Ken Eshleman, Hartford Steam Boiler
Russ Burtlett, Travelers Insurance
Rodger Vignery, Temp Control Corporation
Dale McLouth, past Board of Boiler Rules Chairman
Clay Rhodes, CNA
Ray Andres, Travelers Insurance
Mark Nastari, Harder Mechanical

I. Board business

A. Call to order

Vice-chair Mike Bradley 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

Chairman Dennis Coplin and Edward Pitzrick were both absent excused.

C. Approval of the agenda and order of business

Vice-chair Bradley **RULED** the agenda approved.

D. Approval of the regular board meeting minutes of December 2, 2008

Vice-chair Bradley **RULED** the regular meeting minutes of December 2, 2008 approved.

E. Date of the next regularly scheduled meeting

June 2, 2009

II. Public comment

Rodger Vignery, Temp Control Corporation, spoke in opposition to the proposed draft rules for the specialized piping permit program. His reasons were: 1) The division has not demonstrated the need for the rule, 2) Inspections were changed as a result of the Pressure Vessel Frequency Sub-committee for steam boilers, so this proposed program may not be needed, and 3) Steam piping is the most dangerous pipe and every installation should be inspected for life/safety reasons.

Mr. Vignery noted that companies are planning on increasing existing quality control. Mr. Vignery said that self regulation is not the answer. He suggested that before the board votes on Agenda Item VI, testimony should be heard from steam engineers, and fire marshals. Mr. Vignery distributed a [handout](#) outlining the corporation's concerns.

Ken Eshleman, Hartford Steam Boiler, spoke in favor of the proposed draft rules. He said that insurance company inspectors should not be involved in the inspection of specialized piping. He said by state law, insurance company inspectors inspect only what they insure.

Mark Nastari, Harder Mechanical, is in opposition to the proposed draft rules. He noted that the rules would penalize compliant contractors, and added that the rules are poorly written. He also noted that there is enough uncertainty in the industry already. Mr. Nastari also questioned what would happen to the hundreds of permits his company has purchased for piping in advance.

III. Reports

A.B. Building Codes Division report

Administrator of Building Codes Division Mark Long spoke about House Bill 2200 included in the [BCD Update](#) packet. He noted that the bill does three things: 1) The bill would align terminology for boilers and elevators, 2) The bill would resolve some fiscal issues related to the boiler program by raising over-all permit fees by around 30-percent, establishing a flat rate for installation fees, and 3) It would lead into a two-year billing cycle tying the inspection cycle to the operating permit cycle.

Administrator Long noted that an issue had been raised concerning beverage service containers. He recommended that the periodic inspection and the 6-year inspection of the tanks be eliminated and only set the regulatory structure for new installations of these tanks. A “[draft](#)” copy of the proposed change was distributed.

Administrator Long talked about a [draft letter](#) addressed to Representative Schaufler from stakeholders who will be impacted by HB 2200, asking for support for HB 2200 and the proposed amendment. [Another draft letter](#) discussed, was from the Board of Boiler Rules to Representative Schaufler, also asking for support for HB 2200 and the proposed amendment. Administrator Long noted that if this bill does not pass, the division will lose three boiler inspectors.

Board member Anthony Barsotti noted that he is in support of the fee increases and the change to inspecting beverage tanks during new installations. He offered some amendments to the draft letter from board members.

Vice-chair Bradley noted that he is inclined not to support the amendments to the letter due to the fact that the board can not produce a “risk analysis”. Other board members agreed with Vice-chair Bradley.

Motion by Vice-chair Bradley to adopt the letter of resolution written by the division on behalf of the Board of Boiler Rules in support of HB 2200.

Anthony Barsotti voted nay

Thomas Perritt abstained from voting because he felt he did not have adequate time for review of the draft letter. Motion carried

C. Program update - None

IV. Communications

A. News Bulletin: Boiler explosion

Chief Graham noted that November 15, 2008 there was a boiler explosion at a fraternity house in Corvallis. Although no one was hurt in the explosion the building was damaged beyond repair.

Chief Graham displayed pictures of the explosion using a PowerPoint presentation.

(Board member Vince Leedy left the meeting at 12:10 pm and was absent for the rest of the meeting)

(Items B through E were for information only)

B. Adoption of the 2008 Boiler and Pressure Vessel Specialty Code update

C. Pressure vessel inspection frequency update

- D. Boiler program alternate method use and data reporting changes update**
- E. Recognizing boilers and pressure vessels built to certain international standards update**

V. Appeals – None

VI. Unfinished business

Board review and approve proposed rules for a specialized piping permit program

Manager Patterson reminded the board that as a result of the last legislative session, insurance carriers have to conduct their own installation inspections on boilers at the sites they cover. Because non-boiler external piping is defined as part of the boiler, insurance carriers are also required to inspect this piping. Because insurance carriers do not insure non-boiler external piping, the question was raised who should be responsible for the inspection.

Committee proposed rules and the division's recommended proposed rules for the boiler specialized piping permits were included in the board packet. Manager Patterson explained that both versions of the proposed rules establish that for welded installations, contractors must have either an 'O' or 'R' stamp Certificate and for non-welded installations, contractors must "pre-qualify" by having a quality control program. Permits may be purchased in lots of 5 permits for \$175, which covers the cost of inspections, except for re-inspections due to a failed inspection. Contractors must affix specialized piping permit tags to the boiler's first block valve and enter information into an on-line division-approved form. Inspectors conducting boiler installations or periodic inspections will check for specialized piping permits.

The division's recommended proposed rules added that for each contractor that purchases a lot of 5 permits, one permit out of that lot will be inspected. Then the remaining permits would go into a pool for a random selection of one-out-of-ten permits get picked for an inspection.

Because of the risks associated with specialized piping, some members felt uncomfortable about not having every installation inspected.

Manager Patterson noted that if one of the sets of proposed rules does not go forward, the problem will still exist of who is responsible for these types of inspections.

Public testimony

Rodger Vignery, spoke in the capacity of A&V Code Consulting, Inc., not Temp Control Corporation, noting that the proposed rules are an "elimination of regulation."

Motion by Anthony Barsotti to deny the proposed specialized piping permit rules.

Motion carried

Vince Leedy was not present for the vote

VI. New business - None

VIII. Announcements - None

IX. Adjournment

Vice-chair Bradley adjourned the meeting at 12:50 p.m.

Respectfully submitted by,

Debi Barnes-Woods
Division Boards Coordinator