

State of Oregon

Agenda
Item
I.D.

Board of Boiler Rules

Regular meeting minutes
June 1, 2010

Members present: Dennis Coplin, Chairman
Mike Bradley, Vice-chairman
Eric Anderson *New member*
Anthony Barsotti
Bruce Fellows
Greg Itoh
Vincent Leedy *Connected by teleconference*
Edward Pitzrick
Mark Stenberg

Members absent: John Hooker

Staff present: Chris Huntington, policy and technical services manager
Mike Graham, chief boiler inspector
Celina Patterson, statewide services manager
Liz Browder, enforcement services manager
Brent Griffiths, lead enforcement officer
Trevor Johnson, policy analyst
Debi Barnes-Woods, boards coordinator

Guests present: Rodger Vignery, quality control professional, Temp Control
Russ Bartlet, Travelers Insurance
Ray Andrus, Travelers Insurance
Gary Penkava, Hartford Steam Boiler
Jeff Otto, OTTO Pipe
Tim Barker, FM Global
David Burger UA 290
Blake Alexander, Charter Mechanical
Ryan McShannon, TCM Mechanical

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 absent excused. Vincent Leedy was 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 March 2, 2010 approved.

E. Date of the next regularly scheduled meeting

September 7, 2010

F. Farewell to Robert Cowling, mechanical engineer

Although Robert Cowling was not present to accept his plaque of appreciation signed by the governor and a letter of thanks from Patrick Allen, acting administrator, Chair Coplin publicly thanked Mr. Cowling for his valuable service on the board.

G. Welcome new board member Eric Anderson, mechanical engineer

Mr. Anderson introduced himself noting that he has been a professional engineer since 1990 and started his own business in 1991 focusing mainly on pressure vessel work and design consulting.

II. Public comment

Jeffrey Otto, Otto Pipe, was before the board seeking approval of a course he has already taken through [The National Board of Boiler & Pressure Vessel Inspectors](#). The class was a 2-day seminar on boiler & pressure vessel repair. Mr. Otto was seeking approval for the hours to be applied towards his required continuing education.

Manager of Policy and Technical Services Chris Huntington noted that the requirement for all boards is that continuing education courses be pre-approved. It would be appropriate for the board to address this issue at a future board meeting in order to have the item properly noticed on the board's agenda.

Motion by Anthony Barsotti to direct the division to convene the Boiler Board Continuing Education Committee to explore the issue of approving The National Board of Boiler & Pressure Vessel Inspectors classes as continuing education credits.

Motion carried unanimously

III. Reports

A. Building Codes Division report

Manager Huntington reviewed the content of the [BCD Update packet](#).

Manager Huntington noted that HB 3462 has 2 major components related to inspector certification. The process of establishing renewal periods and fees for certifications for Phase 1 of HB 3462 is complete.

The rule is developed and will go into effect July 1, 2010 with the first renewal cycle beginning November 2010 and renewing every 3 years.

Phase II of HB 3462 authorizes the division to create a pilot program to develop specialized inspector certifications and training. The committee is currently working through developing 4 specialized inspector certifications. Manager Huntington added that the key focus of the pilot is to allow jurisdictions to effectively expand the scope of work already allowed for some inspectors.

HB 2950 created the new Construction Industry Energy Board. The board had its first meeting in February. The board will be meeting again June 29, 2010 to review and make a recommendation for the adoption of the 2010 Oregon Solar Installation Specialty Code.

Manager Huntington noted that the anticipated effective date for the 2010 Oregon Structural Specialty Code, 2010 Oregon Mechanical Specialty Code, and the 2010 Oregon Energy Efficiency Specialty Code is July 1, 2010.

Manager Huntington noted that SB 79, the governor's energy efficiency bill, is intended to accomplish three things:

- Create a task force on energy performance scores, which has begun its work and is staffed by the Oregon Department of Energy
- Require an increase in the energy efficiency of 10-25 percent in commercial structures and at least 10-percent in residential structures by 2012
- Authorize the development of a voluntary "reach code" containing construction methods for achieving higher levels of energy efficiency than under the statewide codes. A committee was formed and began its work in April

Public comment

Ray Andrus, Travelers Insurance, noted that due to all the energy retrofits with boilers, controls might be overlooked during inspections. Mr. Andrus asked if the division would include a check box on the permit to ensure that the controls are not passed over during inspections. Manager Huntington noted that this is an issue that needs to be reviewed and discussed. The board and the division noted that some type of warning letter needs to be sent through the division's outreach sources.

B. Enforcement report

Lead Enforcement Officer Brent Griffiths noted that at the last meeting, enforcement statistics were discussed for March through December 2009. Since then, Mr. Griffiths explained that the enforcement team has been pro-active in license checks and plans to continue to conduct license checks more frequently.

Mr. Griffiths reminded the board that at the last board meeting, the board wanted the division to develop a mission statement for adoption, utilizing the board's enforcement committee. Mr. Griffiths noted that the process is complete. Anthony Barsotti reviewed the proposed [mission statement](#).

After giving board members a chance to review the proposed mission statement, a motion was made by Anthony Barsotti to adopt the Board of Boiler Rules Enforcement Sub-committee's Mission Statement.

Motion carried unanimously

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

Mr. Griffiths noted that at the last board meeting, the board wanted the division, through the board's enforcement committee, to further research Praxair, Inc., a repeat violator. The company was originally charged with installing two liquid argon tanks and one liquid nitrogen tank in a commercial building. The work was performed without a contractor's license, without a permit and an unlicensed individual was allowed to do the installation. A settlement agreement was reached using the penalty matrix with final approval by the board's enforcement sub-committee. Through the division's research, it was found that Praxair, Inc. did not install any other vessels in or around Oregon.

C. Program update

Chief Boiler Inspector Mike Graham announced that Bob Hostetler is back working for the division as a re-hire, covering North and East Multnomah County.

Anthony Barsotti discussed the overdue inspection report outlined in the [BCD Update packet](#). He noted that the overdues for high-risk boilers are still very much overdue. Manager of Statewide Services Celina Patterson reminded the board of a discussion to have the boiler sub-committee re-convene in July to discuss the overdue inspections and to re-assess the plan to reduce overdues. Board members Edward Pitzrick, Greg Itoh, Anthony Barsotti and Dennis Coplin volunteered to serve. Rodger Vignery, quality control professional, Temp Control, and Ray Andrus, Travelers Insurance, also volunteered to serve.

Manager Patterson noted that at the board's next meeting a PowerPoint presentation will be shown on the new database for the elevator program. Once the elevator program is in place, the division will begin the process for the boiler program database.

IV. Communications

Clarification on safety concerns and regulatory authority for boilers, pressure vessels, B31.1 and B31.9 piping.

Manager Patterson reviewed the communication item noting that as of July 1, 2010 the division will begin performing all boiler and pressure vessel installation inspections under ORS 480.560. Insurance company special inspectors must still perform periodic inspections under ORS 480.570(2)(b) for boilers and pressure vessels insured by their companies. Manager Patterson also noted that the division would no longer be performing shop inspections as an ASME Authority Inspection Agency for new construction of boilers and pressure vessels.

Anthony Barsotti noted that the communication item is consistent with the Attorney General's Option, although if the item is intended to address inspections in general, then other areas of the B31 codes for inspections have been left out. Mr. Barsotti also noted that the definition for non-boiler external piping is still debatable.

Rodger Vignery, quality control professional, Temp Control, agreed with Mr. Barsotti but also noted that there is still a question on the authority of having state inspectors inspect steam piping pump condensate in a pressure piping system.

Manager Patterson noted that the scoping committee would be meeting within the next few weeks, and this discussion could continue with them. The division will not transition into performing the inspections until July 1, 2010.

Edward Pitzrick suggested that a statutory change of the definition of a boiler needs to occur through legislation.

V. Appeals – None

VI. Unfinished business - None

VI. New business

Board consideration of proposed revisions to the enforcement penalty matrix and rule

Manager Huntington noted that the Board Chair/Vice-chair group met recently to discuss making modifications to the existing penalty matrix.

He noted that in some cases, first time violators are not willing to negotiate consent orders because of the amount of the fines, instead they are choosing to go to hearing. Because the Office of Administrative Services cannot change the penalty matrix, individuals are asking to plead their cases to the boards.

Manager Huntington reviewed the changes explaining that the amount stayed for most violations has been increased to provide additional flexibility for the division when trying to negotiate a settlement. Manager Huntington noted that a permit-only category was added and a volunteer could have the entire penalty stayed for first time violators.

Another change was the stayed amount would be in effect for 5 years for all violations instead of a combination of 3 and 5 years depending on the violation.

Chair Coplin brought up the issue of the visible licensing rule and the fact that an individual who has gone through the process of obtaining a license but does not have the license visible due to safety concerns can be fined the same as an individual who does not have a license. Manager Huntington noted that because this is a statutory mandate found in Oregon Revised Statutes 455.415, the division would be unable to make any changes except going through legislation.

Mr. Griffiths added that the division has the authority to act outside the penalty matrix especially when life/safety is an issue.

Motion by Anthony Barsotti to approve the proposed changes to the Advisory Board penalty matrix and rule.

Motion carried unanimously

VIII. Announcements

Chair Coplin noted that in order to save the State money due to the economy, he has opted out of collecting per diem for travel expenses to and from board meetings. Chair Coplin left it up to other board members to volunteer to do the same.

IX. Adjournment

Chair Coplin adjourned the meeting at 11:45 a.m.

Respectfully submitted by,

Debi Barnes-Woods
Division Boards Coordinator