

FINAL

State of Oregon

OREGON STATE BOILER BOARD

Special Meeting Minutes

October 29, 2002

MEMBERS PRESENT: Rodger Vignery, Chairman
Dale McLouth, Vice Chairman
Dennis Coplin
Robert Cowling
Steve Nelson
Thomas Perritt
John Pyle

MEMBERS ABSENT: John Endicott
Michael Gibson
Nelson White
Russell Williams

STAFF PRESENT: Linda Riddell, Interim Administrator of Building Codes Division
Ray Andrus, Chief Boiler Inspector & Board Secretary
Clay Rhodes, Assistant Chief Boiler Inspector
Andrea Simmons, Senior Policy Advisor
Jim Hanson, Manager of Compliance
Roseanne Nelson, Chief Compliance Officer
Allen Aschim, Chief Compliance Officer
Louann Rahmig, Rules Coordinator/Recorder
Richard Baumann, Project Coordinator
Sherry Burley, Managers Assistant for Statewide Services
Debi Barnes-Woods, Division Boards Coordinator

GUESTS PRESENT: Ron Murray, Local 290
Michael Callahan, Local 290
Jerod Broadfoot, P.M.C.A.
Terry Hurst, NW Natural

I. BOARD BUSINESS

I.A. Call to Order

Chairman Rodger Vignery 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

John Endicott, Michael Gibson and Russell Williams were all absent, (excused). Nelson White was absent, (not excused).

I.C. Approval of Agenda and Order of Business

Chairman Vignery **RULED** the agenda approved as mailed.

I.D. Approval of the Regular Board Minutes of September 10, 2002

Chairman Vignery **RULED** the September 10, 2002, regular meeting minutes approved as submitted.

I.E. Date of the Next Regularly Scheduled Meeting

December 3, 2002

II. PUBLIC COMMENT

III. STAFF REPORT

Linda Riddell, Interim Administrator of Building Codes Division announced changes within the division. Jim Hanson has accepted the position of Manager for Regulatory Services, Tom Phillips has been given the assigned duties of Acting Manager of Field Operations, and Richard Rogers will be Acting Structural Chief.

Administrator Riddell said that the division had met with the enforcement task force and reviewed overdue inspections and compliance issues. She said that due to concerns the compliance spread sheet would be reevaluated and will include the respondent, type of violation, the complainants' name, and the outcome of the cases. Closing cases without actions was discussed at the task force meeting. The division will be addressing the closed cases with detail in the future. The task force indicated that they would like to review compliance cases one month prior to the board meeting and have a task force meeting one month after the board meeting.

Chairman Vignery said that as a board they have requested that the enforcement task force see all compliance cases prior to board meetings to get a better understanding on those cases.

(Break)

IV. UNFINISHED BUSINESS

Review and re-approve the HB 2899 continuing education proposed rules.

Chairman Vignery indicated that he has had contact with the industry concerning potential problems with this item. Due to their concerns and statutory requirements, several board members felt a special board meeting was in order.

Andrea Simmons, Senior Policy Advisor spoke on the continuing education proposed rules. She said that statute requires when the board adopts a rule, the division must concur with those rules within 30 days. The division raised three concerns (1) the special continuing education course having no criteria, (2) DAS was concerned and suggested the fees be based on usage and (3) the determination of how many days would be allowed. These concerns have been addressed in the proposed rules.

Chairman Vignery stated for the official record, he was not in favor of correspondence courses. He said correspondence courses counting towards continuing education requirements may create an avenue for cheating.

Ron Murray, Local 290 said that he was the author of HB 2899, the author of the amendment to HB 2899, and chaired the rule writing committee for HB 2899. He said that the intent of the bill was to cover all classification of pressure/vessel licensees, Class 1 through Class 6. There was not a discussion of exclusion of any Class licensees. Furthermore, the intent for the fees was to make Building Codes Division whole. Whether to raise the individual permit fee with the understanding that the administrator fee incurred by the division would be included in the license fee rather than to establish a separate license. In the rule writing it was discussed that the members were not in favor of any correspondence classes. Mr. Murray said that the proposed rules show that within the allowed time, if an individual has an extenuating circumstance due to an extreme medical condition, an exception could be made. He added that Ms. Simmons covered the intent in the proposed rules.

Chairman Vignery said that the issue with the Class 1 through 6 license needed to be revisited. Some members of the rule writing committee thought that Class 1 and Class 6 were exempt. Due to the confusion, Chairman Vignery asked Ron Murray, Chairman of the Task Force to reconvene to address the Class 1 through 6 license for a recommendation to the Board of Boiler Rules Meeting December 3, 2002.

MOTION by Chairman Rodger Vignery to adopt division recommendations on the proposed rules.

MOTION CARRIED UNANIMOUSLY

V. NEW BUSINESS

A. Proposals to address insurance companies overdue inspections. (*Late Submission*)

Chairman Vignery said that the Board of Boiler Rules is responsible for the overdue inspections in the State. If something were to happen in Oregon where the overdues were involved, the board would have some level of responsibility.

Dana Roberts, Manager of Statewide Services distributed copies of "Recommendations to Address Overdue Inspections", *Exhibit "A"*.

Manager Roberts explained that in January of 2001, there were approximately 9,000 overdues. 5,500 were insurance overdues and 4,000 were State inspector overdues. In September of 2002, the overdues for insurance has stayed the same and the State has cut the overdues over one half. The division has implemented a change that when changing insurance companies, the State would become responsible for the overdues charging the insurance company a fee.

Manager Roberts went on to explain that 15-months ago, the Board of Boiler Rules wanted the division to focus on the overdues in Oregon. Pressures vessel overdues for the State have gone from 12 percent to 5 percent, insurance companies have gone from 18 percent to 16 percent, the state boiler overdues have gone from 38 percent to 22 percent and the insurance company boiler overdues have gone from 34 percent to 32 percent. He said that there are 25 boiler insurance inspectors working in the State of Oregon and nine state inspectors.

Chairman Vignery said that it is the Board of Boiler Rules primary responsibility for Public Safety in the State of Oregon.

Identifying area's of concern:

- (1) Boilers in the State of Oregon become due based on zip code
- (2) Additional staffing
- (3) Rules or authority to assume responsibility
- (4) Rule or authority to allow the Chief to direct an insurance inspector to complete an inspection
- (5) Other issues arising

Recommendation of identifying area's of concerns are as follows:

- (1) Shift zip codes on months when they are due and or between inspection area's (The Chief Boiler Inspector will be reviewing zip codes and months due for adjustment to even the workload).
- (2) a. The State becoming responsible for overdue inspections where the account has switched from one insurance company to another.
b. Taking responsibility of the overdues for insurance companies, which may include state inspectors working on insurance company overdues.
c. Random monitoring system for insurance inspectors as well as state inspectors.
d. Addition staff to include a national board inspector, a pressure vessel inspector, and an administrative support specialist.

- (3)
 - a. Holding the insurance companies accountable for the inspections by having them assign site specific inspectors.
 - b. The State will be tracking individual performance of insurance inspectors.
 - c. The insurance companies will have the opportunity to work with the boiler chief to assist in managing their boilers/pressure vessels. The division is proposing a temporary rule to charge \$35 per hour to provide this service and to produce desired monthly reports.
 - d. The division is proposing a temporary rule to give the Chief Boiler Inspector authority to require an insurance inspector to perform an inspection within 30-days.
- (4)
 - a. The division will be creating a report that shows insurance companies the boilers/pressure vessels in a specific area and the month scheduled for their inspections.
 - b. The insurance companies will be asked to assign a specific inspector to each site.
 - c. If an area exceeds 10 percent or above, the State would then conduct the overdue inspections to bring the area current.
 - d. Additional reports would be offered to insurance companies at an hourly rate.
- (5)
 - a. The board appoints a sub-committee that meets with the division regularly to discuss actions and responses from the insurance companies.
 - b. Set specific target days of the completion of overdues.
 - c. Centralizing new installations and alterations/repairs to one or two state inspectors in order for the remaining inspectors to complete inspections.
 - d. Establish performance standards for state inspectors.
 - e. Establish an insurance company oversight monitoring program.

Dennis Coplin questioned whether a comparison had been completed between permitting, repairs, and installations concerning workload per state inspector. Chief Andrus said he would look into the issue.

Mr. Coplin suggested that out of a group of 10 minor label inspections, one is inspected to verify whether it meets the current code. Members felt as long as public safety was considered that should be reviewed.

Clay Rhodes, Assistant Chief Boiler Inspector added that per past performance, a comfort level has been established with contractors, using a random select system with inspections.

Chief Andrus agreed, although felt that consistency needs to be established with all contractors.

John Pyle said that the insurance companies have shown a slight decrease each month with overdues.

Vice-Chairman Dale McLouth, brought to the board's attention that for some companies, inspections do not have to be complete prior to the permit. Chief Andres said that the permits and the inspections are not tied together. Permits should not be mailed out without an inspection. Board members agreed and felt that this issue should be reviewed.

Chairman Vignery said that a sub-committee would be appointed with stakeholders participation to work with the division for temporary rules for the December 3, 2002, board meeting to address issues that have been discussed with the permit issue.

(Break)

B. Election of new Chairman and Vice-Chairman.

Chairman Vignery gave tribute to all boiler inspectors in the State of Oregon and said that it has been his privilege to work with individuals with such expertise and dedication.

Chairman Vignery recommended that the Board of Boiler Rules work on the following:

- (1) Review the use of "R" Stamps and dba's
- (2) Continue to focus on compliance
- (3) Continue to remember the statutory requirement the Board of Boiler Rules has in the State of Oregon

MOTION by Chairman Rodger Vignery nominating Vice-Chairman Dale McLouth for Chairman of the Board of Boiler Rules.

MOTION CARRIED UNANIMOUSLY

MOTION by Newly nominated Chairman Dale McLouth nominating John Endicott as Vice-Chairman.

All board members present were in favor of the nomination. Due to John Endicott's excused absents, he had previously agreed to the nomination.

MOTION CARRIED UNANIMOUSLY

VI. ADJOURNMENT

Chairman Rodger Vignery adjourned the meeting at 11:45 a.m.

Debi Barnes-Woods
Division Boards Coordinator/Recorder

Exhibits:

A. "Recommendations to Address Overdue Inspections". *Agenda Item V.A.*