

THIS IS A DRAFT

State of Oregon

OREGON STATE BOILER BOARD

Regular Meeting Minutes

December 3, 2002

MEMBERS PRESENT: Dale McLouth, Chairman
John Endicott, Vice Chairman
Dennis Coplin
Robert Cowling
Steve Nelson *(left at 10:30 a.m.)*
John Pyle
Fred Widman *(new member)*
Russell Williams

MEMBERS ABSENT: William Fernelius *(excused, new member)*
Thomas Perritt *(excused)*
Nelson White

STAFF PRESENT: Linda Riddell, Interim Administrator of Building Codes Division
Andrea Simmons, Interim Manager of Policy
and Technical Services
Ray Andrus, Chief Boiler Inspector & Board Secretary
Clay Rhodes, Assistant Chief Boiler Inspector
Jim Hanson, Manager of Regulatory Services
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
Maureen Pointer, Tri-County Board Coordinator
Debi Barnes-Woods, Division Boards Coordinator

GUESTS PRESENT: Jerry Lanz, Lanz Boiler
Michael Garside, Intel
Roger Bergman, Georgia Pacific
Rodger Vignery
Mark Stenberg, Local 290
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

William Fernelius and Thomas Peritt were both absent (excused). Nelson White was absent, (not excused).

Fred Widman gave a brief introduction of himself. He said that he has been a boiler maker union member since 1966. He currently works for Foster Wheeler Zak Inc., and is a field construction manager.

I.C. Approval of Agenda and Order of Business

Addition to the Agenda as follows:
Agenda Item I.G. Presentation to Curt Lundine

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

I.D. Approval of the Special Board Minutes of October 29, 2002

Chairman McLouth **RULED** the October 29, 2002, special meeting minutes approved as submitted.

I.E. Date of the Next Regularly Scheduled Meeting

March 4, 2003

I.F. Approval of the 2003 Calendar Board Meeting Dates

Chairman McLouth **RULED** the 2003 Calendar Board Meeting Dates approved as submitted.

(Addition to the Agenda)

I.G. Presentation to Curt Lundine

Chairman Dale McLouth acknowledged Curt Lundine with a plaque of appreciation for all his hard work and dedication to the State of Oregon, and time served as Chief Boiler Inspector of the Board of Boiler Rules.

Chairman McLouth also read a letter from the Interim Administrator, Linda Riddell in her absence. She expressed her appreciation and recognized all Mr. Lundine's work for the State.

II. PUBLIC COMMENT

Jerry Lenz, Lenz Boiler made comments to an item that will be heard under unfinished business, board approval of hearings officer's report on boiler/pressure vessel licensing. He had heard rumors from industry concerning criteria related to welding procedures for the Class 4, Class 5 and possibly the Class 6 licenses.

Mr. Lanz said that past process was that the same written test was given to Class 4 and the Class 5 licenses whether it was related to boiler or piping. His concerns were that the Class 4 license would be excluded from welding of steam piping in the proposed rules. He disagreed with the information received that steamfitters would be allowed to install boilers. If that information was correct, Mr. Lanz said that the fitters would want to eliminate the boilermakers from welding on steam piping. Mr. Lanz felt that the unions might have a part in this discussion.

Chairman McLouth assured all individuals that this issue would be discussed in detail under the appropriate agenda item.

Roger Bergman, Georgia Pacific, discussed a memo dated August 7 from the Chief Boiler Inspector –the memo was not distributed or made part of the record-defining piping as pressure vessel. He asked the board to reconsider their position on the issue. He discussed a letter he had written to the Chief Boiler Inspector on September 16 –the letter was not distributed or made part of the record-explaining Mr. Bergman’s feelings disagreeing with the interpretation. Mr. Bergman said the letter states that the board would still regulate piping as a pressure vessel. He said the board was mixing piping with pressure vessels. Mr. Bergman feels the Board’s position is contrary to Section VIII Division I in the ASME Code, which specifically excludes piping and ASME B31.1 piping codes which exclude pressure vessels.

Ray Andrus, Chief Boiler Inspector said that his interpretation was saying that there is a time when piping in and of itself could meet the definition of pressure vessel. Rodger Vignery stated that due to the regulatory process when the task force for B31.3 was reviewing the issue, certain aspects of the system for regulations needed to be defined. Chairman McLouth added that the boiler licensing committee could not finish their work without the interpretation.

Fred Widman asked when would a pipe be the only pressure boundary. Chief Andrus said that if the pump on a check valves to the return to an open tank, the containment for pressure would be that pipe.

Michael Garside, Intel, said due to that statement, any line under pressure would be classified as pressure vessel. If it is the only containment for pressure, it can meet the definition of pressure vessel.

Andrea Simmons, Interim Manager for Policy and Technical Services reminded the board the interpretation was written to respond to the hearings officer’s report of August 19, 2002, relating to process piping. Ms. Simmons said that during the hearing, there were specific questions by the hearings officer asking whether the piping was within the scope of the Board of Boiler Rules authority. The technical issue was brought before the board to make that determination. The Chief Boiler Inspector wrote a memo with an interpretation for the purpose that specific types of piping met the statutory definition of pressure vessel and therefor was under the authority of the Board of Boiler Rules.

The Board of Boiler Rules adopted that memo with the interpretation at the September 10, 2002, meeting. If the board would like to reconsider the motion, the board may amend that original motion.

Copies of the hearings officer's report on proposed rules related to process piping, *Exhibit "A"* were distributed for review and for further discussion under unfinished business.

III. REPORTS

Jim Hanson, Manager of Regulatory Services announced his appointment to the section. He said that the section has been working with the enforcement sub-committee of the board reviewing cases and addressing specific questions related to compliance. Compliance officers are working with the Chief Boiler Inspector and his staff in the field checking licenses on new installations. The section has also developed an outreach program for companies coming into compliance. This consists of scheduled meetings between the state and the owners of companies with their staff discussing the practical aspects of compliance.

Chairman McLouth said that the program has the full support from the Board of Boiler Rules in the direction the section was taking.

A. Compliance Cases – Roseanne Nelson and Allen Aschim

- 1. Repeat Violator, J.H. Kelly, L.L.C.,** was found in violation of making installations without permits. The division recommends approval of a consent order.

MOTION by Chairman Dale McLouth to adopt division recommendation for approval of a consent order.

MOTION CARRIED UNANIMOUSLY

- 2. Repeat Violator, Milwaukie Plumbing Co.,** was found in violation of making an installation without a permit. The division recommends approval of a consent order.

MOTION by Chairman McLouth to adopt division recommendation for approval of a consent order.

MOTION CARRIED UNANIMOUSLY

B. Staff Report

Chief Andrus announced that due to further research in statute on information he had presented at a previous board meeting, owners need licenses and permits to install their own equipment. The board will receive a report once complete.

(Steve Nelson was excused from the balance of the meeting due to illness)

VI. COMMUNICATIONS - None

V. APPEALS - None

(Break)

VI. UNFINISHED BUSINESS

Manager Simmons reminded the board that legislative session is due to begin January 13, 2003. She asked the board what type of information they were wanting from the division. The members all felt comfortable with a summary report of bills that directly effect the division.

A. Board approval of hearings officer's report on boiler permit fees.

Ms. Simmons stated that this was a house keeping activity that makes a temporary rule become permanent to correct an error in previously adopted rules. The division was asking the board to adopt hearings officer's recommendation implementing OAR 918-225-0610 to become effective January 1, 2003.

MOTION by Chairman McLouth to adopt hearings officer's recommendation implementing OAR 918-225-0610 to become effective January 1, 2003.

MOTION CARRIED UNANIMOUSLY

B. Board approval of hearings officer's report on boiler/pressure vessel licensing.

Chairman McLouth said he would like to see this issue resolved by hearing all comments taken into consideration including those made during public comment.

Jerry Lenz, Lenz Boiler said he was not in favor of the proposed rules if they were to eliminate him from modifying or placing the new enterprise into the existing system. His concerns were with his employees not being allowed to complete their work without direct supervision of a Class 5 license. Mr. Lenz did not see the purpose of these rules. He said the rule has nothing to do with welding, just supervision.

Rodger Vignery said the purpose of the task force was to define the Class 5 license. There were changes made to the Class 1 and the Class 6 licenses. The task force did not discuss or make a recommendation to adopt the Class 4 license.

The Class 4 license was established as a boilermaker license, for individuals who installed boilers. The Class 5 license was established for steamfitters, who installed piping. Mr. Vignery said that the Board of Boiler Rules has created an equivalent experience committee to hear appeals for individuals who did not meet all licensing requirements set forth in rule. The task force did not spend much time on the Class 4 license.

Dennis Coplin distributed copies of information he researched, *Exhibit "B"*, for boiler and non-boiler external piping. His proposal was to change statute, which only occurs through legislation.

Fred Widman explained the Class 5 and the Class 4 licenses. The intent of the change was to support the two licenses working side-by-side.

Jerry Lenz was concerned that his employees could not pass the test for a Class 5 license. Fred Widman said that a study guide was being developed for testing purposes. The test would fit the work in the field. He felt that the proposed rules should go forward.

Chief Andrus addressed the specific changes to statute throughout the years related to the boiler licenses. Since licensing went into effect, the Class 4 license has installed steam piping if connected to a boiler by definition in statute.

Chairman McLouth asked if this issue was resolved before the end of December 2002, would the rules still go into effect July 1, 2003. Manager Simmons said if there were considerable changes, the hearings officer would recommend another rulemaking process. If the issue is not resolved the required notice to industry and other individuals for a response on the proposed rules would be cut short.

(Break)

Chairman McLouth appointed Jerry Lanz to the Boiler Licensing Committee. The issue was being sent back to committee to resolve issues identified above.

MOTION by Chairman McLouth to send the boiler/pressure vessel licensing proposed rules back to the Boiler Licensing Committee for further discussion.

MOTION CARRIED UNANIMOUSLY

C. Board approval of B31.3 rules tabled at the September 10, 2002, board meeting.

Manager Simmons said that due to the action taken on boiler/pressure licensing, the division would recommend that the board defer action for the approval of B31.3 rules. The rules for Class 5A and Class 5B licenses have been deferred and sent back to the licensing committee, which would affect B31.3 rules.

MOTION by Chairman McLouth to defer the approval of B31.3 rules until the Boiler Licensing Committee has made a recommendation for boiler/pressure vessel licensing.

MOTION CARRIED UNANIMOUSLY

Manager Simmons said that due to the discussion during public comment, concerns were expressed related to board action of September 10, 2002, for the interpretation of pressure vessel definition prepared by the Chief Boiler Inspector. That motion was as follows:

***MOTION by Chairman Vignery** that the Board of Boiler Rules affirm the interpretation of pressure vessel definition prepared by the Chief Boiler Inspector, that it is the Board of Boiler Rules' position that ASME B31.3 piping series pressure piping systems are part of a pressure vessel or boiler system for the purpose of regulation.*

That motion was carried unanimously.

A motion to rescind the original motion was needed before a new motion could be made.

MOTION by Chairman Dale McLouth to rescind the motion made at the September 10, 2002, board meeting to affirm the interpretation of pressure vessel definition prepared by the Chief Boiler Inspector, that it is the Board of Boiler Rules' position that ASME B31.3 piping series pressure piping systems are part of a pressure vessel or boiler system for the purpose of regulation.

MOTION CARRIED UNANIMOUSLY

MOTION by Dennis Coplin to apply the interpretation of pressure vessel definition prepared by the Chief Boiler Inspector, that it is the Board of Boiler Rules' position that ASME B31.3 piping series pressure piping systems are part of a pressure vessel or boiler system for the purpose of regulation for the B31.3 rules only.

MOTION CARRIED UNANIMOUSLY

D. Board approval of HB 2153 hearing officer's report and the policy contained in the penalty matrix.

Manager Simmons explained the outcome of HB 2153 from the 2001 legislative session. The division recommended adopting hearings officer's recommendation for all boards' to adopt the proposed rules implementing HB 2153 to become effective January 1, 2003.

MOTION by Dennis Coplin to adopt hearings officer's recommendation for HB 2153 and the policy contained in the penalty matrix pending the approval of the remaining state boards.

MOTION CARRIED UNANIMOUSLY

E. Status of Building Codes Division actions to reduce overdues and potential board action on proposed rules for overdue inspections.

Chief Andrus explained the recommendations to address overdue inspections. A handout of agenda item IV.E. was distributed as a late submittal.

The recommendations were addressed in the October 29, 2002, Special Board Meeting. Chief Andrus explained the few changes made to the proposal. Item 6 was added, which contained a proposal to begin the process of permanent rule making.

Russ Williams suggested that a letter addressing insurance companies failure to inspect overdues is sent to owners informing them that they would be responsible for the state inspection, time and travel.

Mark Stenberg, Local 290, requested clarification on the implementation date of continuing education.

Manager Simmons said once the division receives approval from the Department of Administrative Services, all licensed individuals are required to complete 8-hours of approved continuing education prior July 1, 2003, in order to renew. She added that a specific course is required for the Class 5 license.

Rodger Vignery recommended allowing 18-months to complete continuing education starting January 1, 2003, to July 1, 2004.

VII. NEW BUSINESS - None

IX. ADJOURNMENT

Chairman Dale McLouth adjourned the meeting at 12:15 p.m.

Debi Barnes-Woods
Division Boards Coordinator/Recorder

Exhibits:

- A. Copies of hearings officer's report on proposed rules related to process piping, ***Agenda Item II.***
- B. Information researched by Dennis Coplin for boiler and non-boiler external piping, ***Agenda Item VI.B.***