

# FINAL

## State of Oregon

### OREGON STATE BOILER BOARD

#### Regular Meeting Minutes September 9, 2003

- MEMBERS PRESENT:** Dale McLouth, Chairman  
John Endicott, Vice Chairman  
Robert Cowling (arrived at 9:45)  
William Fernelius  
Steve Nelson  
Thomas Perritt  
John Pyle  
Fred Widman  
Russell Williams
- MEMBERS ABSENT:** Dennis Coplin (excused)
- STAFF PRESENT:** Mark Long, Administrator of Building Codes Division  
Andrea Simmons, Interim Manager of Policy  
and Technical Services  
Ray Andrus, Chief Boiler Inspector & Board Secretary  
Dana Roberts, Manager of Statewide Services Section  
Roseanne Nelson, Interim Manager of Regulatory Services  
Allen Aschim, Chief Compliance Officer  
Louann Rahmig, Rules Coordinator/Recorder  
Richard Baumann, Policy Analyst  
Debi Barnes-Woods, Division Boards Coordinator
- GUESTS PRESENT:** Jerry Lanz, Lanz Boiler  
Ken Cropper, Local 140 SEIU  
Mason Young, Local 140 SEIU  
Curt Lundine, Curt Lundine Consulting  
Don Mitchell, Harris Thermal Transfer  
Warren Washburn, J.V. Northwest, Inc

#### **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**

Dennis Coplin was absent, (excused).

##### **I.C. Approval of Agenda and Order of Business**

Steve Nelson asked that an item be added to new business concerning inspectors working outside the scope of their authority. Before the meeting adjournment, Chairman reserved time to speak.

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

**I.D. Approval of the Regular Board Meeting Minutes of June 3, 2003.**

Chairman McLouth **RULED** the regular meeting minutes approved as submitted.

**I.E. Date of the Next Regularly Scheduled Meeting**

December 2, 2003

Mark Long, Administrator of Building Codes Division updated the Board on Division impact following legislation. He distributed copies of, *Exhibit "A"*, 2003 Legislation Summary Affecting Building Codes Division and *Exhibit "B"*, the Administrator's Compendium Report. The bills that affect the Board of Boiler Rules were as follows: HB 2447, the visible licensing bill that require certain trades professionals to wear license identification. The bill was rolled into SB 906 and has passed. HB 2564 allows individuals holding two or more licenses or certifications to have a combined license. HB 2719 clarifies when a license is needed when completing work on your own property. Administrator Long briefly discussed HB 3492, which would have changed the membership of the Board of Boiler Rules. That bill did not pass. SB 198 is the Division's Bill. It would allow BCD and the Construction Contractors Board (CCB) to work closely together on compliance actions. SB 468 was discussed due to the impact on the Division. The bill transfers the titling and registration of manufactured structures and manufactured structure trip permits to BCD from the Department of Transportation. The bill goes into affect May 1, 2005. SB 711, 713, 714 and 715 are streamlining bills that will change the building codes system. SB 906 creates two new Boards, eliminates the Tri-County Building Industry Board and restructures the Building Codes Structures Board from 15 members to 9 members, keeping 6 of the existing members with specific positions on the Board. The new Boards are the Mechanical Board with 9 members and the Residential Board with 9 members. The Mechanical Board goes into effect July 1, 2004. That Board and the Board of Boiler Rules will be working close together on issue that overlap program areas. Significant changes will not occur until 2007.

Andrea Simmons, Manager of Policy and Technical Services spoke on the scope of a new committee being formed with members from all boards. Topics discussed will be the contractor consolidated license and the visible licensing requirements, the uniform citation process and the compliance program. The Division was looking for two volunteers from each Board to include the Board Chairmen. Chairman McLouth appointed John Endicott and Steve Nelson with himself as an alternate to the new committee.

Administrator Long said that all state agencies have been asked to reduce the regulatory impact on businesses through processes and new requirements. Along with the focus on the Governor's executive order on regulatory streamlining, the Division is currently undergoing organizational changes. One of the essential focuses for the Division will be identifying revenue sources for specific activities and clarifying roles and responsibilities of staff.

**(Break)**

## II. PUBLIC COMMENT

**Curt Lundine, Curt Lundine Consulting**, proposed a revision to the Boiler Specialty Code. *Exhibit "C"*. Mr. Lundine said that the revision will allow ASME pressure vessel manufactures, who also hold a valid National Board "R" Symbol Stamp, to expand the scope of their business to include welded repairs to unfired pressure vessels using tradesmen who hold an individual Class 2 Certificate. His proposed changes were as follows:

918-225-0690

(4) Class 2 Pressure Vessel ~~Installer~~ **Mechanic** Certification: A person holding this certification may install or repair unfired pressure vessels ~~by any non-welded method of attachment.~~ **Persons performing welded repairs or installations must work for an employer who meets the requirements of ORS 918-225-0730(1) of these Rules.**

(a) There are no qualifications for this certification **for persons who do not perform welding. Persons who perform welding must be qualified to their employers approved quality control program;**

Mr. Lundine said that a proposal would allow the manufacture's to repair the equipment that they built.

It was suggested that a work group be developed made up of Board members for research and a thorough review of the proposal. Chairman McLouth appointed Tom Perritt as Chairman, William Fernelius and Fred Widman to the work group.

**Don Mitchell, Harris Thermal Transfer Products**, supported Mr. Lundine's proposal.

**Warren Washburn, JVNW, Inc. Stainless Steel Tanks & Process Systems**, said that he was in support of Mr. Lundine's proposal and added that it would make it easier to conduct business.

## III. REPORTS

Roseanne Nelson, Interim Manager of Regulatory Services gave a brief report indicating that as of the end of August, the Division received 640 compliance cases. Out of those cases, 71 are boiler violations.

**A. Compliance Cases – Roseanne Nelson and Allen Aschim**

No violations to report under this agenda item.

**B. Summary of compliance actions previously taken by the division for cases III.b.1 through 8. (No board action required)**

The compliance cases included on the agenda have been reviewed and approved by the boiler compliance sub-committee and have been signed by the Division.

**C. Staff Report**

**1. Safety Improvement Task Group Update – Dana Roberts**

Mr. Roberts reported that the task group was proposing two standards for boiler operation and boiler maintenance. Copies of the two proposals, *Exhibit “D”*, were distributed. He asked that the Board review the two proposed standards and report their findings to a task group member. Mr. Roberts said that a “needs statement” as to why the standards should be written. The task group felt that there is justification due to accident reports that have been written and by listening to testimony given by the Portland school district at several Board meetings. Mr. Roberts said that the task group is currently writing proposed rules pertaining to the two proposed standards. Mr. Roberts intent was to present the proposed rules, “needs statement” and the final standards at the next scheduled Board meeting.

**2. Overdue Inspection Update – Dana Roberts**

Mr. Roberts reports a significant drop in overdue inspections since June 2001. Handouts, *Exhibit “E”*, were distributed. Another significant drop in overdues should occur when the permits are tied into the inspections. A new permit will not be issued until an overdue inspection is complete.

Ray Andrus, Chief Boiler Inspector, reported that 35 hardship letters have been received concerning the continuing education requirements. Chief Andrus said that the majority of the hardship letters are from individuals out-of-state.

Chief Andrus distributed a memo, *Exhibit “F”*, concerning on-line continuing education. He reported that Industrial Training Unlimited approached the Division about providing on-line continuing education.

Some Board members questioned whether on-line continuing education would be acceptable as a means of receiving 8-hours of continuing education credit.

Andrea Simmons, Manager of Policy and Technical Services, reported that continuing education through the Internet is common. The electrical and plumbing programs currently have continuing education available through the Internet. Board members were interested in viewing the content of the information before making a recommendation.

**Jonathan Graves, Project Manager Capital Project Consultants (CPC)**, said that their company was in the process of completing the program for on-line continuing education. Mr. Graves reported that the cost would be equivalent to the classes that is being offered throughout the state. He said that on-line continuing education would allow smaller companies to complete the requirement through the Internet rather than taking time off from work to sit in a class. Out-of-state individuals would have the opportunity to complete the requirement without a hardship exemption.

Chairman McLouth felt that this would give individuals in outlying areas unable to attend classes an option to meet the requirement. He felt that giving the company a one-year trial period for Internet continuing education would be appropriate. Then an evaluation of the program should be completed and reported to the Board.

**MOTION by Chairman McLouth** to allow ITC to conduct on-line continuing education courses for a one-year trial period ending June 30, 2004.

**Roll call vote taken:**

**Aye:** Dale McLouth, Robert Cowling, William Fernelius, John Pyle, Fred Widman and Russell Williams

**Nay:** John Endicott, Steve Nelson and Tom Perritt

**MOTION CARRIED**

**3. Legislative update – Andrea Simmons**

Legislative report was given by Administrator Long during his discussion.

**IV. COMMUNICATIONS** - None

**V. APPEALS** - None

**VI. UNFINISHED BUSINESS**

**Approval of Hearings Officer's report on proposed rule to clarify the deadline for obtaining continuing education.**

Manager Simmons said that at a previous Board meeting, the members gave their recommendation to move forward to public hearing on the proposed rule to clarify the deadline for obtaining continuing education. The hearing was held with no public testimony. The rules were filed to become effective before July 1, 2004.

**VII. NEW BUSINESS**

*(Added to the Agenda)*

**Inspectors working outside the scope of their authority.**

Steve Nelson said that an inspector was sent by the Chief Boiler Inspector to a job site where a boiler was under demolition. The inspector sent individuals home for failure to produce their licenses. A license is not required for the demolition of a boiler. Chief Andrus said that he received a telephone call indicating that regulated boiler work was taken place at PGE Beaver Generated Station. The individuals involved at the job-site were said not to have the proper licenses. Chief Andrus verified whether permits were purchased for repair work. It was found out later that permits were purchased, although they had not been activated. The inspector did send individuals home due to the job-site receiving new materials for repair work. Chief Andrus was in support of the inspector's decision sending the individuals off the job-site. Steve Nelson said that it is the work that the individual is engaged in, not what is happening at the job-site that constitutes a license check. He said that a license is not required when the integrity of the boiler is not involved.

Chairman recognized the Board members in their efforts to help the state in the budget crisis by not reporting travel or requesting per diem checks. Their efforts have saved the state \$2,824 in mileage, per diem, overnight stay and meals since they first began in March 2003.

## **IX. ADJOURNMENT**

Chairman Dale McLouth adjourned the meeting at 12:35 p.m.

Debi Barnes-Woods  
Division Boards Coordinator/Recorder

*Exhibits:*

- A. 2003 Legislation Summary Affecting Building Codes Division, ***Heard before Public Comment.***
- B. Administrator's Compendium Report, ***Heard before Public Comment.***
- C. Proposed revision to the Boiler Specialty Code, ***Agenda Item II.***
- D. Proposals for two standards for boiler operation and boiler maintenance, ***Agenda Item III.C.1.***
- E. Overdue inspection handouts, ***Agenda Item III.C.2.***
- F. On-line continuing education, ***Agenda Item III.C.2.***

**TO OBTAIN COPIES OF EXHIBITS, A PUBLIC RECORD REQUEST MUST BE COMPLETED BY CLICKING ON THE LINK PROVIDED.**

**<http://www.cbs.state.or.us/external/bcd/pdf/2568.pdf>**