

THIS IS FINAL

State of Oregon

BOARD OF BOILER RULES

Regular Meeting Minutes December 02, 2003

- MEMBERS PRESENT:** Dale McLouth, Chairman
John Endicott, Vice-Chairman
Dennis Coplin *(left at 12:30)*
Robert Cowling *(arrived at 9:45)*
William Fernelius
Steve Nelson
Thomas Perritt
John Pyle
Fred Widman
Russell Williams
- MEMBERS ABSENT:** None
- STAFF PRESENT:** Mark Long, Administrator of Building Codes Division
Andrea Simmons, 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:** Mark Nastari, Harder Mechanical
Jerry Lanz, Lanz Boiler
Pete Cotting, TIC, The Industrial Company
Paul Rosenquist, TIC, The Industrial Company
Tom Lindberg, A/V Code Consulting
Jonathan Graves, ITU
Warren Washburn, J.V. Northwest, Inc
Ken Cropper, Local 140 SEIU
Mason Young, Local 140 SEIU
Don Mitchell, Harris Thermal Transfer
Rodger Vignery, Temp-Control Mechanical
Michael Jurkiewicz, Local 290
Brian McDonald, Special Representative for United Association

I. BOARD BUSINESS

IA. 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

All members were present.

I.C. Approval of Agenda and Order of Business

Several items were added to the agenda.

III.C.5. Compliance Report – Ray Andrus

VI.B. Consolidated Licensing Report – John Endicott

VII.B. UA Report

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

I.D. Approval of the Regular Board Meeting Minutes of September 9, 2003.

Corrections to the minutes were as follows:

Page 3, paragraph 3 delete Curt Lundine, insert Fred Widman.

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

I.E. Date of the Next Regularly Scheduled Meeting

March 2, 2004.

I.F. Review the 2004 Board meeting dates

Chairman Dale McLouth reviewed the proposed 2004 Board meeting dates.

Changes to those dates were as follows:

June 8, 2004, September 14, 2004.

(Break)

II. PUBLIC COMMENT

Rodger Vignery, Temp-Control Mechanical and past Chairman of the Board of Boiler Rules, suggested that the continuing education committee formed in the past, be reconvened due to the continuing education requirements.

Mark Nastari, Harder Mechanical, expressed his concern with the B31.3 Category M piping and the implementation of those rules. He said contractors are confused about when to purchase a permit, how the process is completed and who inspects those permits. Rodger Vignery, who served on the task force, said that a permit would be for a specific location for all work connected to that job for a calendar year. Mr. Nastari said that a year permit would be hard to track. Ray Andrus, Chief Boiler Inspector, clarified the issue. An annual permit would be filed with the state. Per rule, the inspector is required to file a quarterly report with the state. The inspector would be the individual who completes the audit.

Chief Andrus offered to send a letter of clarification that an authorized inspector is needed for category M piping with a copy of that letter mailed to plant engineers by the owner/user.

John Endicott suggested a training class take place on the roles and responsibilities of the owner/user.

Chairman McLouth requested Chief Andrus to draft a letter and send it to John Endicott, Rodger Vignery, Mark Nastari and Chairman McLouth. The letter would be addressed to all individuals who own a boiler license and sent to contractors to include owner/users.

Mark Long, Administrator of Building Codes Division, spoke briefly on issues at the Division. BCD Proposed Reorganization, *Exhibit "A"*, was distributed. The proposed organizational structure will focus on statewide consistency across all program areas, which will allow each activity to have its own source of revenue. The activity will operate within its revenue source.

Administrator Long has the support of all of the other Division Boards and was asking the Board of Boiler Rules and industry to support him in the changes that will occur. As part of the reorganization, the Division is proposing that there is a separation between operations, inspection and policy work. All the Chiefs would be located in the Policy and Technical Services Section. Consistency between all BCD Boards will occur that would include interpretations, committee work and all policy work.

Jerry Lanz, Lanz Boiler, said that he has a good relationship with the Division, although he said that an inspector should not be eliminated due to the reorganization.

Administrator Long said the change would allow a greater focus on policy and enforcement. Administrator Long was asking the Board to think about supporting the change that enforcement would be paid by licensing revenue.

Administrator Long reminded the Board of the promise made by Local government to help in the enforcement and permitting process with process piping. The process piping permitting is through a site permit. Local inspectors are already at the job-site inspecting the seismic side of process piping under a structural permit. Those inspectors and local government would be a way to help in the enforcement and permitting side of the B31.3 welding part of process piping.

III. REPORTS

Roseanne Nelson, Interim Manager of Regulatory Services, gave a brief update on cases that will be presented to the sub-committee for review.

Alan Aschim, Chief Compliance Officer, updated the Board on the Wescold cases. Both respondents requested hearings. Chief Aschim reported on the progress of Total Mechanical. This case was a violation of a consent order. A meeting was called that included Board Chairman, Board members, Division staff and individuals from Total Mechanical. The company now understands the process and entered into a stipulated order.

Vice-Chairman Endicott said that because of cases like this where companies purchase a large number of permits per year, a committee is being formed at the Division to address this issue. Manager Nelson confirmed the comment and added that members of each Building Codes Division Board, staff and members from the industry will serve on the committee.

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. Boiler Safety Task Group update – Dana Roberts

Mr. Roberts distributed copies of, *Exhibit “B”*, proposed draft rules and *Exhibit “C”*, Minimum Boiler Operational Standards. He asked that the Board review the proposed standards and report their findings to the task group members.

2. Overdue Inspection Update – Dana Roberts

Mr. Roberts reports an increase in overdue inspections with the insurance companies as well as with the state. Two state inspectors were off the job totaling 4 months time. Both state inspectors are on the job and the increase should drop in the next quarter. Handout, *Exhibit “D”*, was distributed. In order to make a significant drop in overdues, owners should be held accountable making sure inspections are complete before permits are issued.

3. BCD update

Heard under public comment by the Administrator.

4. Report on the Class 2 Pressure Vessel Installer Certification work group.

Tomas Perritt, appointed Chairman of the work group found that the changes are for monetary value, without regard for safety to the public. The recommendation of the group was not to approve the proposed draft rule changes. Copies of the work group’s findings, *Exhibit “E”*, were distributed.

MOTION by Dale McLouth to deny proposed revision to Boiler Specialty Code.

MOTION CARRIED UNANIMOUSLY

(III.C.5. added to the agenda)

5. Compliance – Ray Andrus

Chief Andrus distributed a copy of compliance cases written in the Boiler Safety Program, *Exhibit “F”*. This form was distributed to ensure inspectors were writing violations for compliance.

IV. COMMUNICATIONS - None

V. APPEALS - None

VI. UNFINISHED BUSINESS

A. Progress report on Industrial Training Unlimited's web based continuing education program.

Jonathan Graves, Industrial Training Unlimited, ITU, gave a brief update concerning the on-line continuing education program. He said that the program is 95 percent complete. Dennis Coplin was concerned whether the individual registered to take the test, is actually the one testing. Mr. Graves reassured the Board that picture I.D. would be required at proctor sites.

Vice-Chairman John Endicott asked why testing was required for continuing education. The intent of continuing education was not to have to take a test. He was also concerned with security issues.

MOTION by Dennis Coplin that once the on-line product is complete, the continuing education course be presented to the Board of Boiler Rules for final approval.

MOTION CARRIED UNANIMOUSLY

Robert Cowling said that on-line continuing education is not an isolated issue just with the boiler program. Mr. Cowling did not understand why there were issues with approving the curriculum with the Chief Boiler Inspector's recommendation like all other courses. Chairman McLouth would like the Board to appoint a task force to review the program. It has been noted that out-of- state licensees have been taking the test for their employees. Chairman McLouth said that those are the kind of issues the Board should be addressing.

Chairman McLouth appointed members to the task force to review on-line continuing education to include Chief Andrus, Rodger Vignery, Chairman McLouth, and Vice-Chairman John Endicott. Chairman McLouth noted that this appointed task force would remain as long as continuing education courses needed updating.

(Added to the Agenda)

B. Consolidated license – John Endicott

Vice-Chairman Endicott said that House Bill 2564 is a bill that passed through legislation for consolidated licensing. Local 290 was one of the initiators of that bill. After attending several meetings to discuss process, there were concerns that it may cost more to implement the change. The rest of the discussion occurred under agenda item VII.A.

VII. NEW BUSINESS

A. Board approval of proposed rules for hearing implementing HB 2564 contractor license consolidation.

Richard Baumann, Policy Analyst, explained that the proposed rules would allow contractors or business holders to apply on one form, pay one fee, and have one renewal date for licenses they hold.

Andrea Simmons, Manager of Policy and Technical Services, said that the committee did discuss issues with this bill. The state uses a DOS based computer system and its capability to handle consolidated licenses were questioned due to contractor's in different disciplines renewing at different times.

A form will be developed that will place all contractor licenses on one application. Applicants will have the option to choose either single contractor/business licenses or a combination license. Applicants will also be able to renew all their contractor/business licenses and pay the appropriate fees associated with the type of licenses with one check and on one form. All contractor/business licenses will be valid for two years and will be changed to expire on July 1, with the exception of the single boiler business and elevator contractor licenses will remain valid for one year.

Vice-Chairman Endicott said that the conclusion of HB 2564 in the proposed draft rules is nothing like what the sponsor proposed. He deferred the decision of a final recommendation to the Division.

MOTION by Vice-Chairman Endicott to defer the decision to send the proposed rules for contractor consolidation licenses to rulemaking to the Division.

MOTION CARRIED UNANIMOUSLY

(Added to the Agenda)

B. Board review UA Welder Certification Program report.

Rodger Vignery, Temp-Control Mechanical, reviewed the material distributed. *Exhibit "A"*. The B31 piping series allows contractors to accept welding documents that are prepared by other individuals besides the contractors. The documents must be prepared by an organization that has demonstrated expertise in welding procedures and have an owner/user inspector. Mr. Vignery asked the Board to make a motion recognizing the UA Welder Certification Program as a national recognized welding program and the state to recognize the UA Welder Certification Program as a modified welding program.

Michael Jurkiewicz, Local 290, said that he runs the weld shop at the training center as well as the weld tests. The program makes it easier for contractors to become qualified welders and it would save the contractor money.

Brian McDonald, Special Representative for the United Association, said that his responsibilities are with the Training Department. Mr. McDonald sits on the ASME Accreditation Committee. There are six tests in the qualified welders manual. In B31 codes, interchanges of welders are allowed. Some welders have tested as many as 8 to 10 times in a year. It has been reported that on one job, there have been three or four contractors. When the contractor changes, the welder is required to retest. The program would allow welders to use a pre-qualified welding procedure so they do not have to retest every job-site by the contractor.

Chairman McLouth asked the Division to review the program for Board's recommendation at the March 2, 2004, scheduled meeting.

IX. ADJOURNMENT

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

Debi Barnes-Woods
Division Boards Coordinator/Recorder

Exhibits:

- A. BCD Proposed Reorganization, *Agenda Item II.*
- B. Proposed Draft Rules, *Agenda Item III.C.1.*
- C. State of Oregon Minimum Boiler Operational Standards, *Agenda Item III.C.1.*
- D. Boiler & Pressure Vessel Safety Program, *Agenda Item III.C.2.*
- E. Recommendation by work group on revision to Boiler Specialty Code, *Agenda Item III.C.4.*
- F. Compliance cases written in the boiler safety program, *Agenda Item III.C.5.*

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>