



## Notice of Public Hearing

January 17, 2012

### Establishes Class 3A Limited Building Service Mechanic license

#### Opportunity for public input:

Those who would like to provide testimony may attend a public hearing on January 17, 2012 at 10:00 a.m. The hearing will be located at the Building Codes Division, Conference Room A. Written comments may also be submitted to the contact below. The last day to submit written comments is 5:00 p.m. January 20, 2012.

#### Live broadcast via the internet:

To view the public hearing live, click on "[View live meeting](#)"

#### Purpose of the rule:

This proposed rule creates a Class 3A Limited Building Service Mechanic license. Under this proposed rule, the Board of Boiler Rules may approve a training program submitted by a boiler contractor. The training program will allow the boiler contractor to train employees for the purpose of obtaining the license. The training program determines the scope of work allowed under the license and the type of equipment that licensee may work on. This license is only valid while the licensee is employed by the boiler contractor whose training program the individual was licensed under.

#### Citation:

Adopt, Amend, and Repeal: OAR 918-225

If adopted, these proposed rules and the codes would become effective February 1, 2012.

#### History:

Under the existing rules, a person must obtain a Class 3 Building Service Mechanic license to install or repair boilers by a non-welded means of attachment. To receive a Class 3 license, the applicant must obtain 2,000 hours of lawful boiler experience and pass an examination. The requirement for 2,000 hours of experience creates challenges for businesses that perform a limited amount of boiler work. While these companies may provide sufficient training on the equipment they work with, their employees are not able to obtain the 2,000 hours of experience in a reasonable amount of time. Earlier this year, the Board of Boiler Rules' Scoping Sub-Committee recommended that the division explore the creation of a Class 3A license for a limited scope of work performed under the purview of one employer. A rules advisory committee consisting of interested stakeholders, in conjunction with the division, developed the proposed rules into a draft.

The Board of Boiler Rules, at its December 6, 2011 meeting, considered and approved these proposed rules for public hearing.

#### Contact:

If you have questions or need further information, please contact Hearing Officer Michael Schopf at 503-378-2859, or [Michael.D.Schopf@state.or.us](mailto:Michael.D.Schopf@state.or.us).



Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services, Building Codes Division	918
Agency and Division	Administrative Rules Chapter Number
Stephanie Snyder	PO Box 14470, Salem, OR 97309
Rules Coordinator	Address
	(503) 373-7438
	Telephone

**RULE CAPTION**

Establishes a Class 3A Limited Building Service Mechanic License

Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

January 17, 2011	10 a.m.	1535 Edgewater Street NW, Salem, OR 97304	Michael Schopf
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

**ADOPT:** OAR 918-225

**AMEND:** OAR 918-225

**REPEAL:** OAR 918-225

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 480.545, 480.630, 183.335

Other Auth.:

Stats. Implemented: ORS 480.630, 183.335

**RULE SUMMARY**

The proposed rule establishes a Class 3A Limited Building Service Mechanic license. Under the proposed rule, a boiler contractor may establish a training program that defines the scope of work to be performed by Class 3A licensees and describes the training each licensee would receive. The Board of Boiler rules may approve the training program if it determined that the Class 3A scope of work was narrowly limited to particular equipment or tasks and the contractor's training program would provide adequate training for that work. A Class 3A license may be issued to employees of the contractor who have successfully completed the contractor's training program and who have passed Class 3 Building Service Mechanic examination. Each Class 3A license is conditioned on the employee's continued employment with the contractor and authorizes only those tasks described in the contractor's scope of work.

January 20, 2011 by 5 p.m.

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

Mark Long		
Signature	Printed name	Date

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services, Building Codes Division

918

Agency and Division

Administrative Rules Chapter Number

Establishes a Class 3A Limited Building Service Mechanic License

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

**In the Matter of:** Adopting, Amending, and Repealing OAR 918-225

**Statutory Authority:** ORS 480.545, 480.630, 183.335

**Other Authority:**

**Stats. Implemented:** ORS 480.630, 183.335

**Need for the Rule(s):** Under the current rules, an individual must obtain a Class 3 Building Service Mechanic license to repair or install boilers and pressure vessels by a non-welded means of attachment. To receive a Class 3 license, the applicant must demonstrate 2,000 hours of lawful boiler work experience and receive a passing score on the Class 3 license examination. The requirement for 2,000 hours of experience creates challenges for businesses that perform a limited amount of boiler work as part of their overall business. Although these companies may provide sufficient training for the types of equipment encountered and the tasks performed, the limited time an employee spends actually performing this work prevents the employee from establishing 2,000 hours of lawful experience in a reasonable amount of time.

**Documents Relied Upon, and where they are available:** Copies of draft rules, minutes from rules advisory committee meetings held on August 11, 2011, August 17, 2011, and September 8, 2011 and minutes from the October 4, 2011 and December 6, 2011 Board of Boiler Rules Meetings are available from the Building Codes Division's Rules Coordinator located at 1535 Edgewater Street NW, Salem, Oregon. These documents and streaming video of the referenced meetings may be accessed from the division's website at: [www.bcd.oregon.gov](http://www.bcd.oregon.gov).

**Fiscal and Economic Impact:** The proposed rules will not have a fiscal or economic impact on state or local government or members of the public generally. Boiler contractors and their employees eligible for the new Class 3A license may experience positive economic impacts from the elimination of the requirement to demonstrate 2,000 hours of lawful experience before being licensed to repair or install boilers and pressure vessels. The rule does not impact any other requirement of the existing boiler and pressure vessel licensing system.

**Statement of Cost of Compliance:**

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Because the Building Codes Division administers the Oregon Boiler and Pressure Vessel Safety Program for the entire state, the proposed rule will not impose any costs of compliance on units of local government. The proposed rule will not impose any additional costs on state agencies because the division will use existing staff and licensing systems to implement and administer the rule. The rule will not have impose costs of compliance on the public generally, but certain members of the public who are licensed boiler contractors or employees of licensed boiler contractors will avoid costs associated with acquiring, tracking and reporting hours of experience that are currently necessary to acquire a Class 3 license.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: The proposed rule will allow a licensed boiler contractor that performs a limited amount of boiler and pressure vessel work and that has established a comprehensive training program to apply for Class 3A boiler licenses for qualified employees. No other boiler contractors or small businesses will be subject to the rule. The exact number of small businesses subject to the rule cannot be determined at this time but the division estimates that fewer than ten contractors will be eligible for a Class 3A license. It is not known how many of those contractors will be small businesses.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Because the proposed rule eliminates the requirement of certain individuals to demonstrate 2000 hours of lawful experience before acquiring a license to repair or install boilers and pressure vessels, the proposed rule may reduce recordkeeping and

administrative costs associated with tracking those hours. The proposed rule does not impose any additional costs of professional services, reporting, recordkeeping or other administrative activities on small businesses.

c. Equipment, supplies, labor and increased administration required for compliance:

These rules do not impose any additional equipment, supplies, labor, or increased administration requirements on small businesses.

How were small businesses involved in the development of this rule? Both the rules advisory committee that was consulted in development of these rules and the Board of Boiler Rules that reviewed and recommended the proposed rules have members who are owners and employees of small business that represent a large cross section of industry.

**Administrative Rule Advisory Committee consulted?:** Yes

If not, why?: N/A

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Signature	Mark Long	
	Printed name	Date

918-225-0691

**Boiler, Pressure Vessel and Pressure Piping Installation, Alteration or Repair Licensing Requirements**

Persons installing, altering or repairing boilers and pressure vessels ~~shall~~must be licensed under these rules and may only work within the scope of their license.

(1) Persons desiring to obtain a license under these rules ~~shall~~must:

- (a) Meet the qualifications for that license;
- (b) Apply as established by the division in OAR division 30.

(2) Definitions. For the purpose of this rule:

(a) "Direct Supervision" means the person supervised is in the physical presence of a qualified licensed person at the job site and the person doing the supervision is directly assigned to monitor and direct the activities of the person supervised. Direct supervision must be on a ratio of one qualified licensed person to one trainee/helper.

(b) "Qualified Licensed Person" means a person who holds a Class 2, 3, 4, 5, 5-A or 5-B license and is authorized to do the work involved without supervision;

(c) "Supervision" means the individual person assigned to perform supervision under sections ~~6, 7, 8~~ and ~~4011~~ of this rule is directly and specifically assigned to monitor and direct the activities of the person being supervised. Both the person performing supervision and those being supervised ~~shall~~must be prepared to identify each other.

(3) Class 1 Trainee/Helper License. A person holding this license may install, alter or repair boilers, pressure vessels and pressure piping providing the work is of a mechanical nature only. Work performed shall be under the direct supervision of a qualified licensed person. No ASME Code welding is permitted. There are no minimum qualifications required for applicants to obtain this license.

(4) Class 2 Pressure Vessel Installer License. A person holding this license may install or repair unfired pressure vessels by any non-welded method of attachment.

(a) There are no minimum qualifications required to obtain this license. Applicants shall pass an examination testing the applicant's knowledge of the Boiler and Pressure Vessel Law, ORS 480.510 to 480.665; OAR chapter 918, division 225; and **American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Section VIII, Division 1, General Requirements**.

## DRAFT Boiler Class 3A License Rule

(b) Persons who install refrigeration process equipment assembled and sold as a modular unit by the manufacturer and who do not attach piping to a pressure vessel during the installation are exempt from this rule. To qualify for this exemption, the attachment shall be made by any method other than fusion welding.

(5) Class 3 Building Service Mechanic License. A person holding this license may install or repair boilers (including boiler and non-boiler external piping) and unfired pressure vessels by a non-welded method of attachment. Applicants shall:

(a) Have at least 2,000 hours of experience installing and repairing boilers verified as established in OAR division 30;

(b) Pass an examination testing the applicant's knowledge of:

(A) **The** Boiler and Pressure Vessel Laws, ORS 480.510 to 480.665; OAR chapter 918, division 225; and the general requirements of the **American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Sections I, IV, VI, VII and VIII, and CSD-1;**

(B) The State of Oregon Boiler Safety Program Study Guide;

(C) Building Service Systems (Hydronics) for boilers and related appurtenances, **American Society of Mechanical Engineers/ASME B31.1 Power Piping and B31.9 Building Service Piping;** and

(D) Structural and mechanical blueprints with the ability to interpret specifications.

**(6) Class 3A Limited Building Service Mechanic License. A contractor holding a valid boiler contractor license may apply to the board for approval of a Class 3A training program. If approved, the division may issue Class 3A Limited Building Service Mechanic licenses to employees of the contractor that meet the requirements of subsection (e) of this rule. An individual holding a Class 3A license may install or repair boilers and unfired pressure vessels by a non-welded method of attachment during the course of the individual's employment with the boiler contractor whose training program the individual was licensed under, but only to the extent approved by the board.**

**(a) A boiler contractor applying for the approval of a Class 3A training program must submit a written description of the training program that describes:**

**(A) The type of equipment the contractor installs or repairs;**

**(B) The installations or repairs to be performed by Class 3A licensees; and**

**(C) The training each trainee will receive in order to qualify for a Class 3A license.**

DRAFT Boiler Class 3A License Rule

(b) The division will review the boiler contractor's written plan to determine whether the plan addresses each of the factors described in section (a) of this rule. If the division determines that the training program is complete, the division will forward the training program to the board for consideration at the board's next regularly scheduled meeting. An incomplete training program will be returned to the applying boiler contractor.

(c) Upon consideration, the board may approve a Class 3A training program if:

(A) The scope of work to be performed by the contractor's Class 3A licensees is limited to particular types of equipment or to specific repairs or installations; and

(B) The contractor's training program will provide sufficient training on the scope of work to be performed by the contractor's Class 3A licensees and all applicable provisions of the Oregon Boiler and Pressure Vessel Specialty Code.

(d) A boiler contractor with a board-approved Class 3A training program must, at all times, employ an individual holding a valid Class 3, Class 4, or Class 5 boiler license who is responsible for ensuring compliance with the contractor's Class 3A training program. The individual described in this section must directly supervise any work regulated by the Oregon Boiler and Pressure Vessel Safety Code that is performed by an employee participating in the training program. The individual described in this section is not responsible for supervising an employee of the contractor after the employee has been issued a Class 3A license.

(e) Before being issued a Class 3A license, an employee of a boiler contractor with an approved Class 3 A training program must:

(A) Successfully complete the employer's approved Class 3 A training program; and

(B) Pass the examination required of a Class 3 Building Service Mechanic as described in section (5)(b) of this rule.

(f) Each Class 3A license is conditioned on the employee's continued employment with the contractor. The Class 3A license expires immediately if the employee resigns or is terminated by the boiler contractor that they were licensed under.

(g) Each Class 3A licensee must complete 8 hours of continuing education during each three year license cycle.

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~~(6)~~**(7)** Class 4 Boilermaker License. A person holding this license may install, alter or repair boilers and pressure vessels (excluding non-boiler external piping) by welding or other methods of attachment. Applicants shall:

(a) Have 2,000 hours of experience doing welding and 2,000 hours of experience doing non-welding applications involving boilers or pressure vessels. Experience must be verified as established in OAR division 30; the verification must cover welding and non-welding applications separately; and

(b) Pass an examination testing the applicant's knowledge of:

(A) **The** Boiler and Pressure Vessel Laws, ORS 480.510 to 480.665; OAR chapter 918, division 225; and the general requirements of the **American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Sections I, II, IV, V, VI, VII, VIII and IX, CSD-1, B31.1 and B31.9;**

(B) General boilermaker skills and procedures;

(C) Blueprint reading, layout and shop mathematics;

(D) Interpreting plans and specifications covering installation, alteration, repair, fabrication and erection of boilers and pressure vessels;

(E) Welding process, metallurgy and other procedures particularly applicable to boilers and pressure vessels; and

(F) The State of Oregon Boiler Safety Program Study Guide.

(c) Class 4 Boilermakers may also perform the scope of work allowed under section ~~(7)~~**(8)** of these rules providing;

(A) Work may only be done under the supervision of a qualified licensed person under section ~~(7)~~**(8)** of these rules; and

(B) Prior to any welding, the individual must qualify to supervisor's employer's welding procedures.

~~(7)~~**(8)** Class 5 Pressure Piping Mechanic License. A person holding this license may:

(a) Fabricate, install, alter and repair pressure piping; and

(b) Install boilers and pressure vessels by attachment of piping connections;

(c) Install, assemble and repair cast iron sectional boilers.

(A) Applicants shall have a minimum of 2,000 hours of experience performing pipe-welding or brazing on **ASME B31** pressure piping and 2,000 hours of experience performing

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work on pressure piping and boilers. Experience must be verified as established in OAR division 30; and

(B) Pass an examination testing the applicant's knowledge of:

(i) **American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Sections I, II, IV, V, VI, VII, VIII, IX, CSD-1 and B31 Pressure Piping;**

(ii) Structural and mechanical blueprints with the ability to interpret specifications;

(iii) Pressure piping systems and controls;

(iv) **The** Boiler and Pressure Vessel Laws, ORS 480.510 to 480.665 and OAR chapter 918, division 225;

(v) The State of Oregon Boiler Safety Program Study Guide; and

(vi) Welding and brazing processes, heat treatment, metallurgy and other procedures applicable to pressure piping systems.

(d) Class 5 Pressure Piping Mechanics may also perform the scope of work allowed under section (~~67~~) of these rules providing;

(A) Work may only be done under the supervision of a qualified licensed person under section (~~67~~) of these rules; and

(B) Prior to any welding, the individual must qualify to supervisor's employer's welding procedures.

~~(8)~~**(9)** Class 5-A Process Piping Mechanic License. A person holding this license may fabricate, install, alter or repair **B31.3** process piping. Applicants shall:

(a) Have a minimum of 2,000 hours of experience performing pipe-welding or brazing on B31.3 process piping and 2,000 hours of experience performing work on pressure piping. Experience must be verified as established in OAR division 30; and

(b) Pass an examination testing the applicant's knowledge of:

(A) **American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section B31.3;**

(B) Structural and mechanical blueprints with the ability to interpret specifications;

(C) Pressure piping controls;

(D) **The** Boiler and Pressure Vessel Laws, ORS 480.510 to 480.665 and OAR chapter 918, division 225; and

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(E) Welding, brazing, chemical bonding procedures, heat treatment, metallurgy and other procedures applicable to pressure piping systems.

~~(9)~~**(10)** Class 5-B Refrigeration Piping Mechanic License. A person holding this license may fabricate, install, alter or repair **B31.5** refrigeration piping. Applicants shall:

(a) Have a minimum of 2,000 hours of experience performing pipe-welding or brazing on B31.5 refrigeration piping and 2,000 hours of experience performing work on pressure piping. Experience must be verified as established in OAR division 30; and

(b) Pass an examination testing the applicant's knowledge of:

(A) **American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section B31.5;**

(B) Structural and mechanical blueprints with the ability to interpret specifications;

(C) Pressure piping controls;

(D) **The** Boiler and Pressure Vessel Laws, ORS 480.510 to 480.665 and OAR chapter 918, division 225; and

(E) Welding, brazing, heat treatment, metallurgy and other procedures applicable to pressure piping systems.

~~(40)~~**(11)** Class 6 Welder License. A person holding this license may weld on boilers, pressure vessels or pressure piping while employed by an approved welding employer. Work may only be performed under the supervision of a person certified under sections ~~(67)~~ through **(910)** of this rule as applicable. More than one welder may be supervised by one appropriately qualified licensed person under this license.

(a) A Class 6 Welder may also perform the scope of work under section (3) of this rule providing the work performed is under the direct supervision of a qualified licensed person under sections (4) through ~~(910)~~ of these rules.

(b) Applicants shall be qualified as a welder in accordance with the **American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section IX, Part QW**. The employer shall attest in writing that the applicant is qualified under that code section and is currently qualified to that employer's welding procedures. This written statement is not transferable to another employer.

[Publications: Publications referenced are available from the agency.]

## DRAFT Boiler Class 3A License Rule

Stat. Auth.: ORS 480.545, 480.630, 183.335

Stats. Implemented: ORS 480.630, 183.335

Hist.: BCD 7-2003, f. 3-14-03, cert. ef. 7-1-03; BCD 13-2003, f. 6-26-03, cert. ef. 7-1-03; BCD 3-2004(Temp), f. & cert. ef. 3-8-04 thru 9-3-04; BCD 9-2004, f. 6-21-04, cert. ef. 7-1-04; BCD 10-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-28-06; BCD 11-2006, f. & cert. ef. 9-5-06; BCD 13-2006, f. 9-29-06, cert. ef. 10-01-06

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