

**FINAL
State of Oregon**

Board of Boiler Rules

**Regular meeting minutes
June 6, 2006**

- Members present:** Dale McLouth, Chairman
John Endicott, Vice-Chairman
Mike Bradley
Dennis Coplin
Robert Cowling
Thomas Perritt
John Pyle
Monty Redfern
- Members absent:** Vince Leedy
Fred Widman
- Staff present:** Andrea Simmons, Policy and Technical Services Manager
Twyla Knowles, Policy and Technical Services Assistant Manager
Mike Graham, Chief Boiler Inspector & Board Secretary
Jim Denno, Statewide Services Manager
Roseanne Nelson, Enforcement/Licensing Assistant Manager
Brent Griffiths, Enforcement Officer
Heath Lawson, Enforcement Officer
Casey Hoyer, Policy Analyst
Philip Johnson, Enforcement Officer
Chris Wilson, SIS/RI Administrative Manager
Crystal Bochsler, Managers Assistant
Liz Browder, SIS-Regional Manager Inspections
Debi Barnes-Woods, Division Boards Coordinator
- Guests present:** Paul Cyr, McKinstry Company
Larry Hixson, Staris Company
Charles Marino, Mascott Equipment
Mike Jurkiewicz, Local 290
Ray Andrus, St Paul Travelers Inspection
Rodger Vignery, A&V Code Consulting, Inc.
Tom Lindberg, A&V Code Consulting, Inc.
Jerry Lanz, Lanz Boiler
Jay Bushard, Cole Industry
Mark Stenberg, Local 290
Jonathan Graves, Industrial Training Unlimited (ITU)

I. Board Business

A. Call to order.

Chairman Dale McLouth called the Board of Boiler Rules board meeting to order at 9:30 a.m. The meeting was held at Building Codes Division, conference room "A," 1535 Edgewater NW, Salem, Oregon.

B. Roll call.

Vincent Leedy and Fred Widman were absent excused.

C. Approval of agenda and order of business.

Agenda item IV.B., was placed under new business VII.C.

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

D. Approval of the regular board meeting minutes of March 7, 2006.

Chairman McLouth **RULED** the regular meeting minutes of March 7, 2006 approved.

E. Date of the next regularly scheduled meeting.

September 12, 2006.

II. Public Comment

Rodger Vignery, A&V Code Consulting, Inc., distributed a letter he wrote concerning "Stakeholder participation on the Board of Boiler Rules Committees." *Exhibit "A."* His letter responded to correspondence from Curt Lundine to the Government Standards & Practices Commission. Mr. Lundine's letter notes that a continuing education committee member also provides continuing education courses alleging a conflict of interest. Mr. Lundine proposed that this member be replaced with an individual who has no personal interest in the approval or denial of his competitors' program/instructor applications.

Mr. Vignery noted that while serving on board committees, if there were to be a potential conflict of interest, he would step aside. He urged the board to ignore Mr. Lundine's letter related to this issue.

Mr. Vignery then updated the board on the development of the "National Pipe Inspectors Association." The purpose of the association is to train piping inspectors for process piping, ammonia piping, and any other piping systems. He advised that the corporation is accredited, and the curriculum completed.

Larry Hixson spoke about the requirements for a Class 3 license. He felt that the requirements for a Class 3 license, including the examination and 2000 hours of required work experience, are excessive for miniature, electrically heated boilers. Working on these boilers at the rate of 100 hours per year, it would take 20 years to obtain the work experience requirement to qualify for the license. He requested that the Board of Boiler Rules review the Class 3 license requirements for individuals whose scope of work does not exceed working on miniature, electrically heated boilers. *Exhibit "B."*

III. Reports

(Agenda item B., C., and D., heard out of order before A.)

B. Enforcement cases.

1. Final order: CH Kruse Plumbing, Inc. The division recommends the assessment of civil penalty for three different violations.

MOTION by Vice-chairman John Endicott to adopt the division's recommendation for the assessment of the proposed final order for CH Kruse Plumbing, Inc.

MOTION CARRIED UNANIMOUSLY.

2. Final order: Allen Waliezer. The division recommends a civil penalty for Allen Waliezer, an individual who made installations for CH Kruse Plumbing, Inc.

MOTION by Dennis Coplin to adopt the division's recommendation for the assessment of the proposed final order for Allen Waliezer.

MOTION CARRIED UNANIMOUSLY.

C. Summary of enforcement actions previously taken by the division for cases 1 through 8, outlined on the enforcement board report. (No board action required.)

No discussion for this agenda item.

Vice-chair Endicott said that the Plumbing and Mechanical Contractors Association, Oregon Association of Plumbing-Heating-Cooling Contractors, and Local 290 are funding a special inspector to investigate unlicensed individuals doing work. This pilot project mirrors the electrical compliance pilot program.

D. Program update.

Chief Boiler Inspector Mike Graham announced Kevin Perdue is the new inspector hired to cover the southern Oregon area.

An overdue report was distributed and reviewed. *Exhibit "C."*

(Agenda item A., heard out of order)

A. Building Codes Division Administrator's report.

Policy and Technical Services Manager Andrea Simmons delivered the report on behalf of Administrator Mark Long.

The following items were discussed:

Board appointments: Confirmation from the governor's office will be held June 21, 2006 at the capitol building. The Senate will review two reappointments and one new appointment for the Board of Boiler Rules.

"State of Oregon Boiler and Pressure Vessel Laws and Rules" has been published and is available for printing on the division's web site at

<http://www.bcd.oregon.gov/>.

Expiration of licenses: Boiler licenses expire June 30, 2006. Manager Simmons explained that individuals may renew on-line at

<http://www.bcd.oregon.gov/licensing.html>.

Expiration of instructors/courses: Currently approved continuing education providers for the boiler program expire June 30, 2006. The division has sent renewal applications.

Construction industry bill tracking document: This document communicates the current implementation status of 2005 legislative bills. *Exhibit "D."*

Board chair/vice-chair meetings: This committee continues to meet and discuss issues related to consistency. The committee will establish common by-laws for all advisory boards at its next meeting.

Chairman McLouth added that the meetings are making progress and thanked individuals who have been participating.

Governor's directive on legislative concepts: *Exhibit "E."* Manager Simmons explained the process for state agencies to submit legislative concepts. The division has four legislative concepts; one in compliance, others for the license application process, Construction Claims Task Force Committee, and the boiler program.

BCD's budget document: *Exhibit "F."* The 05-07 projections for the ending fund balance is \$34,227 in the positive for the boiler program.

SB 421: The regional building code assistance document was distributed, *Exhibit "G."* Manager Simmons said that Building Codes Division is working closely with government and industry to streamline regulations, provide consistent code requirements across the state, adopt nationally recognized standards, and improve customer service through on-line permitting.

Program contact information: *Exhibit "H."* Manager Simmons said that the division is implementing a new process for calls or questions coming into the division. The document explains whom industry should contact at the division for specific questions. It was suggested that phone numbers and e-mail addresses be added to the document before distributing to industry.

IV. Communications

- A. Enforcement communications regarding Ronald Harral and his two Pendleton companies: Ron's Stoves & Spa and Ron's Heating and Air, McGee Plumbing, JRT Mechanical, B & B Alarms and Federal Security, Inc.** Enforcement/Licensing Assistant Manager Ms. Nelson explained that the division issued news releases announcing enforcement actions against these companies.

All releases received newspaper and radio coverage.

Ms. Nelson commented on the new plumbing enforcement pilot program in the Portland/Metro area. This program mirrors the electrical enforcement pilot in place in the Southern region. Rick Geistwhite will be issuing citations to those not having plumbing and boiler licenses.

(Item IV.C. heard next, IV.B. would be heard under new business VII.C.)

C. Letter regarding continuing education.

Chairman McLouth said that this item is not board business, and should not be dealt with at the board level. Such issues should be resolved between individuals and not brought before the board.

Vice-chair Endicott was disappointed that the discussion did not occur with the board before the issue was taken to the Government Standards & Practices Commission.

V. Appeals - None

VI. Unfinished Business

Board review and approve ITU's course and instructors through June 30, 2007.

John Pyle said that there should be some type of distinction between the three categories of inspectors: in the "General Boiler Division Continuing Education" course.

Dennis Coplin suggested the removal of language in 480.565(3) and insert; "Shall be qualified as provided in Sub-Section (1)."

MOTION by Chairman McLouth to approve ITU's course and instructors through June 30, 2007 based on the revised curriculum and the amended language in 480.565(3).

MOTION CARRIED UNANIMOUSLY.

Chairman McLouth asked Jonathan Graves, ITU, to attend the board meeting in September to provide updated information on how the course is progressing.

VII. New Business

A. HB 2181 license process draft rules.

Policy and Technical Services Assistant Manager Twyla Knowles discussed the new proposed licensing processes the board chair/vice-chair members developed. The licensing concept agreement document was distributed, *Exhibit "I."* This agreement outlines the changes that are to occur for licensing and continuing education.

Mr. Coplin suggested that the chief send a circular letter to industry with any new changes to code or continuing education.

MOTION by Vice-Chair Endicott to approve for public hearing and subsequent adoption of the proposed HB 2181 license process rules for 030, 035 and 225.

MOTION CARRIED UNANIMOUSLY.

B. Request regarding Class 5 pressure piping mechanic certification.

Mike Jurkiewicz, Local 290, said that the word "brazing" was omitted from the 2004 and the 2005 edition. A copy of OAR 918-225-0691, *Exhibit "J"* was distributed.

Manager Simmons will review the issue with the chief and e-mail the solution to board members.

MOTION by Vice-chair Endicott to advise the division to move forward on adding the word "brazing" back into rule and e-mail board members the solution.
MOTION CARRIED UNANIMOUSLY.

(Item moved from IV.B.)

C. Boiler pressure vessel inspection frequency rulemaking.

"Boiler and Pressure Vessel Rules draft 2" was distributed, *Exhibit "K."* Manager Simmons reviewed changes to the proposed rules.

The division is requesting that the board approve the draft rule. The rulemaking hearing would take place July 18, 2006, and return to the board in September for final adoption and assignment of effective date.

The Boiler and Pressure Vessel Inspection Frequency Rulemaking Advisory Committee has two issues to resolve; (1) What to do with residential boilers, and (2) inspections completed by insurance companies. The committee agreed to meet after the rulemaking activity to resolve the issues.

MOTION by Chairman McLouth to allow the division to forward the proposed rules to rulemaking hearing and to bring the rules back to the board in September for final adoption.

MOTION CARRIED UNANIMOUSLY.

Vice-chair Endicott asked Chief Graham to visit Hyundai in Eugene and Teledyne Wah Chang in Millersburg to see who is completing the process piping work and report the findings at the next scheduled board meeting.

Chairman McLouth recommended that Chief Graham circulate a quarterly letter of any changes industry should know before the next board meeting.

Chairman McLouth appointed a task force consisting of Chief Graham, Monty Redfearn, Mike Bradley, and Chairman McLouth to visit some of the sites discussed by Larry Hixson and to make recommendations to the board at its September meeting.

IX. Adjournment

Chairman Dale McLouth adjourned the meeting at 12:30 p.m.

Respectfully submitted,

Debi Barnes-Woods
Division Boards Coordinator/Recorder

Exhibits:

- A. "Stakeholder participations on the Board of Boiler Rules Committees," *agenda item II., page 2.*
- B. Letter from Larry Hixson concerning miniature, electrically heated boilers, *agenda item II., page 2.*
- C. Overdue report for vessels; responsibility versus entity, *agenda item III.D., page 3.*
- D. Construction industry bill tracking document, *agenda item III.A., heard out of order, page 4.*
- E. Governor's directive on legislative concepts, *agenda item III.A., heard out of order, page 4.*
- F. BCD's budget document, *agenda item III.A., heard out of order, page 4.*
- G. Regional building code assistance document, SB 421, *agenda item III.A., heard out of order, page 4.*
- H. BCD program contact information, *agenda item III.A., heard out of order, page 4.*
- I. Licensing concept agreement document, *agenda item VII.A., page 5 and 6.*
- J. OAR 918-225-0691, *agenda item VII.A., page 5 and 6.*
- K. Boiler & Pressure Vessel Rules draft 2, *agenda item VII.C., moved from IV.B., page 6.*

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