

**Final minutes
State of Oregon**

**AGENDA
ITEM
I.D.1.**

Board of Boiler Rules

**Regular meeting minutes
December 5, 2006**

Members present: Dale McLouth, chairman
John Endicott, vice-chairman
Mike Bradley
Dennis Coplin
Bruce Fellows
Vince Leedy *(connected by telephone)*
Thomas Perritt
John Pyle

Members absent: Robert Cowling
Fred Widman

Staff present: Mark Long, Building Codes Division administrator
Andrea Simmons, policy and technical services manager
Mike Graham, chief boiler inspector and board secretary
Jim Denno, statewide services manager
Martin Pittioni, enforcement/licensing manager
Sherri West, training and public affairs coordinator
Michael Morter, regional coordinator
Tamara Brickman, legislative and public affairs manager
Tony Guidone, enforcement officer
Philip Johnson, enforcement officer
Casey Hoyer, policy analyst
Celina Patterson, policy analyst
Debi Barnes-Woods, boards coordinator

Guests present: Larry Hixson, Steris Company
Greg Doan, Steris Company
Gary Penkava, HSBCI
Tom Lindberg, A&V Code Consulting, Inc.

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 Street NW, Salem, Oregon.

B. Roll call.

Robert Cowling and Fred Widman were absent excused.

C. Approval of agenda and order of business.

Chairman McLouth **RULED** the agenda approved.

- D. Approval of the regular board meeting minutes of September 12, 2006.**
Chairman McLouth **RULED** the regular meeting minutes of September 12, 2006 approved.
- E. Date of the next regularly scheduled meeting.**
March 6, 2007.
- F. Formal farewell to Chairman Dale McLouth and Monty Redfearn.**
Administrator Long presented a personal letter from BCD administration and a plaque of appreciation from the governor's office to Chairman McLouth. Monty Redfearn was not present to accept his letter and plaque, which will be mailed.
- G. Election of chairman and vice-chairman.**
MOTION by Dennis Coplin to appoint John Endicott chairman effective at the next scheduled meeting, March 6, 2007.
MOTION CARRIED UNANIMOUSLY.
- MOTION by Vice-chair John Endicott** to appoint Mike Bradley for vice-chair effective at the next scheduled meeting, March 6, 2007.
MOTION CARRIED UNANIMOUSLY.

II. Public comment

Tom Lindberg, A&V Code Consulting, Inc., provider of continuing education, noted his concerns that the division has pamphlets for all program areas except the boiler program. During Mr. Lindberg's continuing education classes, he is often questioned about boiler permit requirements. He also noted that the boiler industry has no way to communicate with boiler-business license holders. He suggested that the division request e-mail addresses during license renewal.

Larry Hixson and Greg Doan of Steris Company, discussed miniature electric boilers. Mr. Hixson read from a document, *Exhibit "A."* He noted these boilers are not larger than 180 KW and fall under the ASME definition of a miniature boiler. Mr. Hixson said that Oregon Administrative Rules treat these miniature electric boilers the same as the large fuel fired boilers, which require a Class 3 building service mechanic license to work on these units. The Class 3 license requires 2000 hours of experience. An individual has only limited opportunities to accrue so many hours of experience and may accrue only 100 to 200 hours per year. He feels that the work for these miniature electric boilers is more inline with Class 2 license requirements.

Chairman McLouth noted that at the September 12, 2006 board meeting, a task force was appointed to visit Silverton hospital and review the miniature electric boilers. The task force unanimously voted against allowing an exemption.

Vice-chair Endicott asked what would happen if an electrical component in the miniature electric boiler needed repair. Mr. Hixson said that the owner of the equipment would be responsible.

Vince Leedy, board member and director of facility services at Holy Rosary Medical Center in Ontario, said that he felt uncomfortable granting an exemption for this license. When the medical center needs repairs to the miniature electric boilers, a Class 3 licensed individual is contracted to do the work.

Mike Graham, chief boiler inspector, said that because the miniature electric boiler is considered a high pressure boiler, if it is not properly installed or maintained by a qualified licensed individual, the boiler may explode.

Mr. Hixon asked the board for a special endorsement for a Class 2 license.

Chairman McLouth said that the board is not in favor of adding another license type.

III. Reports

(Item B was heard before A)

B. Summary of enforcement actions previously taken by the division for cases 1 through 3, outlined on the enforcement board report. (No board action required.)

Enforcement and Licensing Manager Martin Pittioni noted that the enforcement section is fully staffed. He announced that the online process for new applications for boiler licenses is now functional on the division's web site.

Tony Guidone, enforcement officer, updated the board on a case from a previous board meeting involving Ingersoll-Rand. Mr. Guidone reported that the company has submitted a written plan on preventing future violations. All penalties have been paid in full.

A. Building Codes Division administrator's report.

Administrator of Building Codes Division Mark Long discussed BCD's project status sheet, *Exhibit "B."*

Proposed legislation: *Exhibit "C."* Administrator Long briefly discussed the division's three legislative concepts; LC 634, changes to the boiler program; LC 575, creates consistent enforcement tool and regulatory streamlining; and LC 326, licensing application process streamlining. He noted that the legislative session would begin the first part of January.

LC 634: *Exhibit "D."* The division's intent was discussed noting that the concept allows local jurisdictions to inspect residential boilers.

Administrator Long noted that the proposal provides administrative flexibility and clarifies the administration and enforcement of the boiler code, while Andrea Simmons, manager of policy and technical services, answered board member's questions.

LC 575: *Exhibit "E."* This legislative concept would allow the division to revoke a license for egregious violations without first having a hearing.

LC 326: Exhibit "F." This bill is a continuance from last legislative session, House Bill 2181 (2005). The bill will allow further streamlining of license application process for various trade licenses administered by BCD.

Electronic permitting is another legislative concept the division is currently proposing along with a proposal package for the Construction Claims Task Force ([CCTF](#)).

C. Program update.

Jim Denno, statewide services manager, reported on the recent re-opening of the recruitment for a boiler inspector. He noted that because of the staffing shortage, the "overdues" for the boiler/pressure vessel program are up. **Exhibit "G."**

Quarterly report: Manager Denno discussed the recently created document for program updates that will be posted to the "[chief's corner](#)" on the division web site. The document concerned the boiler licensing and continuing education changes (HB 2181).

Study guide: A revision of the study guide and review of the boiler license test questions are in process.

Electronic reporting of inspections: Manager Denno noted that Hartford Insurance and the division are exploring new ways of reporting inspection data electronically.

IV. Communications

New employees were introduced:

Sherri West, training and public affairs coordinator
Celina Patterson, policy analyst
Michael Morter, regional coordinator
Tamara Brickman, legislative and public affairs manager

Update on boiler and pressure vessel continuing education applications.

The board had no questions for this item.

V. Appeals – None

VI. Unfinished business

Board review and approve hearing officer's recommendation for boiler and pressure vessel inspection frequency rule.

Manager Simmons noted that at the board's September 2006 meeting the division provided a draft of the boiler and pressure vessel inspection frequency rules.

The hearing officer's report includes no public or written testimony. Upon review of the proposed rules, the hearing officer recommended that the rules be adopted as proposed.

MOTION by Chair McLouth to approve the proposed rules for permanent rule filing effective January 1, 2007.

MOTION CARRIED UNANIMOUSLY.

VII. New business

Board review and approve draft rules OAR 918-030-0015, “Contractor Licenses” for public hearing.

MOTION by Vice-chair Endicott to approve draft rules for public hearing and subsequent adoption of the proposed licensing rules for Division 030, as they relate to boiler licensing, and to approve the amendments and repeals of existing rules in Division 225, unless substantially changed.

MOTION CARRIED UNANIMOUSLY.

VIII. Announcements

Chairman McLouth addressed the board to give a formal farewell. He said his position on the board has been a great learning experience. Mr. McLouth noted that Administrator Long has made many improvements to code processes and communication to industry.

IX. Adjournment

Chairman McLouth adjourned the meeting at 11:45 a.m.

Respectfully submitted,

Debi Barnes-Woods
Boards Coordinator/Recorder

Exhibits:

- A. Letter from Larry Hixson, Steris Company, on miniature, electric boilers, ***Agenda Item II., page 2.***
- B. BCD’s project status sheet, ***Agenda Item III.A., page 3.***
- C. Proposed legislation, ***Agenda Item III.A., page 3.***
- D. Legislative concept LC 634, ***Agenda Item III.A., page 3.***
- E. Legislative concept LC 575, ***Agenda Item III.A., page 3.***
- F. Legislative concept LC 326, ***Agenda Item III.A., page 4.***
- G. Boiler/pressure vessel overdues, ***Agenda Item III.C., page 4.***