

Final minutes
State of Oregon

**AGENDA
ITEM
I.D.**

Board of Boiler Rules

**Regular meeting minutes
September 11, 2007**

- Members present:** John Endicott, Chairman
Mike Bradley, Vice-chairman
Anthony Barsotti
Dennis Coplin
Robert Cowling
Bruce Fellows
Jon Hooker *(new member)*
Thomas Perritt
- Members absent:** Vincent Leedy
- Staff present:** Andrea Simmons, policy and technical services manager
Twyla Knowles, policy and technical services assistant manager
Mike Graham, chief boiler inspector, and board secretary
Jon Hills, human resources assistant manager
Robert Salinas, enforcement and licensing assistant manager
Philip Johnson, enforcement officer
Casey Hoyer, policy analyst
Debi Barnes-Woods, boards coordinator
- Guests present:** Tom Lindberg, A&V Code Consulting, Inc.
Rodger Vignery, Temp Control Mechanical Corp.,
A&V Code Consulting, Inc.
David Bacon, FM Global
Gary Penkava, HSBCT
Mark Stenberg, Local 290
Curt Lundine, CLC
Michael Telsue, ITU
Jonathan Graves, ITU

I. Board business

A. Call to order

Chairman John Endicott called the Board of Boiler Rules meeting to order at 9:30 a.m. The meeting was held at the Building Codes Division, Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

B. Roll call

Vice-chairman Mike Bradley was absent excused. John Pyle was absent unexcused.

C. Approval of Agenda and order of business

Chairman Endicott amended the agenda by moving the welcome of new board member Edward Pitzrick to the December 4, 2007 board meeting agenda. Chairman Endicott **RULED** the agenda approved as amended.

D. Approval of the regular board meeting minutes of June 5, 2007

Chairman Endicott **RULED** the regular meeting minutes of June 5, 2007 approved.

E. Date of the next regularly scheduled meeting

December 4, 2007

F. Welcome new board member Jon Hooker

Mr. Jon Hooker is a stationary engineer employed at Oregon Health Science University in Portland. Before that, Mr. Hooker worked for DeTemple Co., for nine years in Portland.

Mr. Hooker brings many years of experience and knowledge to the board gained by working in the industry both as an operator and as an installer of many different types of boiler systems. His position on the board is owner/user of a high-pressure boiler.

II. Public comment

Rodger Vignery, Temp Control Mechanical Corp., reminded the board of the tragic events that occurred six years ago, on September 11, 2001.

Mr. Vignery then moved on to say that the boiler safety rules require out-of-state pressure vessels and boilers being installed in Oregon to be registered with the National Board of Boiler and Pressure Vessel Inspectors (National Board) and stamped with an ASME code stamp. He noted that vessels that come to Oregon from Canada bear a Canadian registration number (CRN) and not the National Board number. Mr. Vignery recommended that because Canada has the same requirements as Oregon, the board should amend the administrative rules to adopt the Canadian Code, CSA B51, and accept the CRN.

Robert Cowling added that qualified design engineers review the CRN, which is a more rigorous process than obtaining a National Board number.

David Bacon, FM Global, asked for clarification relating to inspection of a repaired vessel. Mike Graham, chief boiler inspector, said that new language in Senate Bill 193 (2007) requires the authorized inspection agency to conduct the inspection.

III. Reports

A. Building Codes Division administrator's report

Manager of Policy and Technical Services Andrea Simmons delivered the administrator's report, which included a packet of information: [BCD Update](#). The packet contained contact information for BCD's employees who handle specific program questions. Manager Simmons then discussed the summary of rulemaking and other projects:

HB 2219 is a direct result of the board Chair/Vice-chair group. Provisions of this bill facilitate greater consistency and clarity in the licensing procedures of the division while making no changes to the licensing requirements.

SB 192 enhances the enforcement authority of Building Codes Division and the various licensing boards. It allows the division or a board to deny, suspend, revoke, or refuse to renew a license issued by the division for specified violations. It also improves the cooperation between the two agencies that regulate construction by clarifying the sanctions imposed by the division that may provide grounds for sanctions by the Construction Contractors Board.

Jon Hooker asked what the division's process will be for announcing how this bill would affect individuals: Would it be through the rulemaking process, or Code Link?

Manager Simmons noted that the communication has happened at each division board meeting, which is streamed live through the Internet. She added that what is said at the meetings is captured in the minutes and is posted to BCD's Web page.

SB 193 provides administrative flexibility and clarifies the administration and enforcement of the boiler code.

HB 3360 exempts residential tankless water heaters from the requirements of the boiler and pressure vessel law. The division will be working to form a rulemaking advisory committee regarding the implementation of this bill.

B. Summary of enforcement actions previously resolved by the division for cases 1 and 5, outlined on the enforcement board report (No board action required)

Phil Johnson, enforcement officer, was available for questions.

C. Program update

Overdue report: Chief Graham reported that the overdues have reduced since May 2007.

Twyla Knowles, enforcement and licensing manager, reported on a question that was asked at a previous meeting. The question was "What are the agency's and the board's roles in enforcement activities?" Manager Knowles related that a portion of the division's mission is "to safeguard Oregonian's life, health, property, and welfare." The enforcement section has refocused its activities to include random site visits, mini sweeps, and multi-agency sweeps.

The enforcement section investigates violations of both licensing and permit laws. Most code compliance is achieved through inspections, but referrals from the boiler program involving serious life and safety issues is also a priority.

The board formulates and adopts rules for the safe construction, installation, inspection, operation, maintenance, and repair of boilers and pressure vessels. The Chief boiler inspector and his manager insure the quality of the inspections.

IV. Communications

BCD new employees and additional duties:

- Jon Hills, human resources assistant manager is assisting the division with various projects
- Robert Salinas, enforcement and licensing assistant manager

- Twyla Knowles, enforcement and licensing manager and policy and technical services assistant manager

V. Appeals – None

VI. Unfinished business - None

VII. New business

A. Review and recommend compliance guidelines for visible license violations

Manager Knowles noted that a law was passed in 2003, which created the requirement to visibly display licenses when performing work. At a prior board meeting, members requested that the division's enforcement section start enforcing that requirement. Two individuals at job sites in the Boardman area were cited for failure to visibly display their licenses. Under the penalty matrix, which determines civil penalties in compliance cases for any violation of statute and administrative rules, first-time violators are assessed a \$1,000 Civil Penalty for license violations. Several calls were made to the division from industry reporting that the fines were too high.

The division is seeking input from the board in determining the appropriate level of sanction for visible license violations in the boiler program. The division would like the board to provide its recommendation for penalties for the two visible licensing violations.

Chairman Endicott said that he was involved in the task force, which worked to pass this law. He noted that the intent was not to fine individuals performing work with a license, but to identify and fine individuals performing work without a valid license. He thought that industry would play a part in the enforcement of this law. Chairman Endicott recommended that the visible licensing issue be revisited by the board Chair/Vice-chair group. The Chairman also recommended that the two visible licensing violations be dropped, and that the board Chair/Vice chair group meet to discuss this issue.

Motion by Chairman John Endicott to dismiss the two visible display violations.

Motion carried unanimously

B. Board review and approve rules that clarify definitions and distinguish permit types based on SB 193

Casey Hoyer, policy analyst, explained that these [proposed rules](#) clean-up definitions and obsolete citations to reflect new statutory language, and distinguish between installation, alteration or repair permits, and operating permits.

Curt Lundine reported that Part V – Fees and Permits Subpart A – Permits (d) of the proposed rules was put into rule for the purpose of explaining the operating permit time period. He said this language was inserted as a service to industry.

Manager Simmons suggested that the board move the rules forward to public hearing for a January 1, 2008 effective date. At the public hearing, testimony could be given that addresses the issue.

The division, Chief Graham, and Chairman Endicott would work together to resolve the issue and report to the board at the December 4, 2007 meeting.

Motion by Chairman John Endicott to approve the proposed SB 193 implementation rules clarifying definitions and distinguishing permit types in the boiler rules for rulemaking.

Motion carried unanimously

C. Board review and approve rule to change inspection frequencies of most pressure vessels

Mr. Hoyer said that an independent auditor performed an audit of the boiler safety program in 2005 and recommended prioritizing inspections in the inspection cycles for streamlining purposes, based on life/safety criteria.

The division formulated a Boiler and Pressure Vessel Inspection Frequency Advisory Committee to discuss proposed changes to the inspection cycles of various boilers and air tanks. Based on the committee's findings, the division drafted rules changing the inspection frequencies of certain boilers and air tanks.

The proposed rule adjusts the inspection schedule of all pressure vessels, except ammonia vessels, from a 2-year inspection cycle to a 4-year inspection cycle based on life/safety criteria.

Rodger Vignery, Temp Control Mechanical Corp., A&V Code Consulting, Inc., said that he was a member of the advisory committee who reviewed the proposed rules. He said that discussions did not take place related to moving all pressure vessels to a 4-year inspection cycle. He added that the boiler chief did not contact him for his opinion on this issue. He also noted that there are other pressure vessels that carry chemicals that are dangerous to the public other than ammonia.

Mr. Vignery suggested that the Boiler and Pressure Vessel Inspection Frequency Advisory Committee further review the proposed rules.

Chairman Endicott suggested that the proposed rules be tabled until the advisory committee could meet to resolve the issue and bring the rules back to the board at a later date.

Tom Lindberg, A&V Code Consulting, Inc., noted an issue of disconnect between permitted activities and maintenance activities in large industrial and commercial plants. He said that if the employer of a large plant does not have a boiler business license, that plant cannot obtain permits. He said safety issues exist in large plants.

Chairman Endicott asked that this issue be placed on the December 4 board meeting agenda for discussion.

VIII. Announcements - None

IX. Adjournment

Chairman Endicott adjourned the meeting at 11:15 a.m.

Respectfully submitted,

Debi Barnes-Woods
Boards Coordinator/Recorder