

**Final
Minutes
State of Oregon**

BOARD OF BOILER RULES

**Regular Meeting Minutes
March 1, 2005**

- MEMBERS PRESENT:** Dale McLouth, Chairman
John Endicott, Vice-Chairman
Mike Bradley
Robert Cowling
William Fernelius
Thomas Perritt
John Pyle
Monty Redfearn
Fred Widman
Russell Williams
- MEMBERS ABSENT:** Dennis Coplin
- STAFF PRESENT:** Cory Streisinger, Director of the Department
of Consumer & Business Services
Mark Long, Administrator of Building Codes Division
Andrea Simmons, Manager of Policy and Technical Services
Mike Graham, Interim Chief Boiler Inspector & Board Secretary
Terry Swisher, Boiler Program Manager, Chief Plumbing
Inspector
Statewide Services Manager
Laurie Skillman, Manager of Enforcement and Licensing
Roseanne Nelson, Senior Enforcement Officer
Enforcement Investigator
Debi Barnes-Woods, Division Boards Coordinator
- GUESTS PRESENT:** Paul Brennan, The National Board of Boiler and Pressure Vessel
Inspectors
F. Ray Andrus, Saint Paul Travelers Ins.
Curt Lundine, Curt Lundine Consulting
Jay Bushard, Southern Oregon Inspections
Steve Nelson, UA Local #500
Jerry Lantz, Lanz Boiler
Ed Pitzrick, Chubb Insurance
Ken Adams, HSB
Bill Crorey, Crorey Mechanical
Linda Lindsten, OAPHCC
Michael Callahan, UA Local #290
Greg English, Proctor Sales
R.W. Redford, CHUBB Insurance
Rodger Vignery, A&V Code Consulting, Inc.
Thomas Lindberg, A&V Code Consulting, Inc.

I. BOARD BUSINESS

I.A. 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, Conference Room "A," 1535 Edgewater NW, Salem, Oregon.

I.B. Roll Call

Dennis Coplin was absent, excused.

I.C. Approval of Agenda and Order of Business

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

I.D. Approval of the Regular Board Meeting Minutes of December 7, 2004.

Correction: Agenda Item IV. Communications. Delete "retirement" insert "resignation."

Chairman McLouth **RULED** the regular meeting minutes of December 7, 2004 approved as amended.

I.E. Date of the Next Regularly Scheduled Meeting.

June 7, 2005.

Agenda Item III.D. and E. taken out of order.

III.D. Enforcement cases.

- 1. Repeat violator DeTemple Company Inc.** The compliance sub-committee previously reviewed the case for boiler installations without permits. The division recommended approval of a consent order with penalties assessed.

MOTION by Tom Perrit to adopt division recommendation.
MOTION CARRIED UNANIMOUSLY.

III.E. Summary of enforcement actions previously taken by the division for cases E.1 and E.2 outlined on the enforcement board report. (No board action required)

No discussion.

Agenda Item III.A. taken out of order.

III. REPORTS

III.A. Legislative report.

Priority bills tracked by the division were discussed briefly with a detailed handout. *Exhibit "A."*

HB 2179. This bill would provide a method for fast approval of emerging technologies with a streamlined regulatory process that may impact the boiler program.

HB 2180. This bill may impact workload for the elevator inspection program. The intent of this bill is to delete the inspection frequency based on the type of elevator by rule.

HB 2181. The intent of this bill is to take all the administrative processes for licenses issued at the division out of statute and place them in rule in order to implement consistent processes across all programs.

HB 5051. This bill is the division's budget. No fee increases are going forward.

The deadline date to introduce bills to legislature is March 7, 2005.

B. "Licensing 2000" demonstration.

Reese Lord, the Division's Communications and Public Affairs Manager, demonstrated the licensing 2000 system by projection. The system is an off the shelf commercial computer program that will address 80 to 90 percent of the division's needs. This would allow the division to pool resources with other state agencies.

Some features the licensing 2000 has is an interface Internet system called "my license." An individual would log on the Internet and fax an application to qualify to become licensed with Oregon. The system has the capability of storing all the data. In addition, the system can consolidate licenses to the single user. The system will allow an individual to apply for a license, renew with continuing education, and pay the renewal fee, all on-line. The licensee will have the capability of changing their address.

In order for the system to work properly, the division's licensing processes require standardization. HB 2181 would provide consistent terms and definitions that would facilitate the electronic ability of the system. The web address for the licensing 2000 is: <http://licenses.bcd.oregon.gov>.

C. Program update.

BCD's Budget. The division's budget was discussed briefly. *Exhibit "B."* The boiler program is projected to have a deficit for the ending fund balance for 2005. Staff reductions will not occur as it did in 2003.

It was shared with the board that administrative services would be reviewed for cost effectiveness. The Administrator indicated that the division would be seeking the advice of an outside source for recommendations related to the business processes. Terry Swisher, Boiler Program Manager, along with Clay Rhodes, Assistant Chief Boiler Inspector, are identifying issues with the boiler program. Administrator Long said that the division will be working to resolve the life safety issues first.

Concerns from the boiler industry. The division received an anonymous letter of concern from the boiler industry. *Exhibit "C."* The division included a response to the concerns. The Administrator reviewed each concern. Management positions and duties at the division were explained. It was announced that Mike Graham would be acting as Interim Chief Boiler Inspector until the national recruitment process has ended and an individual has been hired.

The letter expressed concern with current editions of the code not being adopted. A code review committee was formed at the September meeting to begin review in January of 2005. That did not occur. The meetings will take place and a formal recommendation will be made at the June 7, 2005 board meeting for rulemaking.

The letter also expressed concerns with the overdue inspection numbers that are currently at a standstill. Other management staff has been assigned to evaluate the program in the effort to achieve results. The board will be kept up-to-date on the evaluation.

Concerns were expressed in the letter about proper individuals not receiving information from the division for boiler operation and maintenance requirements. The letter to the owner/users and other individuals who should be informed, was in the completion stage prior to the former Chief's resignation. The Administrator is now aware of this and has directed staff to distribute the standards to the public by March 6, 2005. They are posted on BCD's web page: http://www.bcd.oregon.gov/programs/boiler/boiler_notice.html. The letter was also distributed. *Exhibit "D."*

The last concern in the letter is related to Category "M" Piping as defined in the adopted Code ASME B31.1. The rules allow the owner/user to select its own process piping inspector. Clay Rhodes, Assistant Chief Boiler Inspector, was given the assignment to compete a thorough review and make recommendations.

Chairman McLough said that one of the concerns in the letter contained information stating that the Chief and inspectors are no longer allowed to attend the annual meetings of the Oregon Boiler and Pressure Vessel Association. Scott Stevens, Vice President of Oregon Boiler and Pressure Vessel Association, said that in the past, the boiler inspectors have been invited to the Annual meetings. Administrator Long was not aware of the meetings. Board members and the Administrator were given invitations to attend the meeting Friday, March 18, 2005.

(Robert Cowling 12:15 p.m.)

A document of all the board's committees was distributed. *Exhibit "E."* The Board of Boiler Rules Board has 7 committees. Each committee was addressed for validation.

Committee 1, Boiler Safety Improvement. The committee has completed its work. As stated earlier, the letter to all appropriate individuals has been drafted and will be mailed out by March 6, 2005.

Committee 2, Compliance Cases. This committee is an ongoing committee that meets prior to board meetings.

Committee 3, Continuing Education. The on-line continuing education course developed by Jonathan Graves was discussed. The committee will meet to review the curriculum as well as all other curriculums received.

Committee 4, Overdue Inspections. As stated in the Administrator's report, a thorough review is being conducted by the Assistant Chief Boiler Inspector.

Committee 5, Consolidated Licensing. The committee has completed its work. Senate Bill 906 allowed the division to consolidate some of the contractor licenses. A form was created, *Exhibit "F,"* "Contractor/Business License Application" allowing the customer to choose between a two-year single license or two-year combination license.

Committee 6, Test Question Validation. The committee process was discussed to the level of keeping the committee active to validate test questions for the new code.

Committee 7, Equivalent Experience. It was suggested that this board, like all other boards, handle the equivalency requests through the board process and not at committee level. At this time, the board felt comfortable in keeping the committee active.

Study Guide. A concern was expressed as to whether the study guides for testing for the Class 3 through 5 licenses were complete. Former Boiler Chief, Ray Andrus, said that before he resigned from the State, he completed Class 3 study guide and was in the process of completing Class 4 study guide. The Test Validation Committee along with Mr. Swisher will review the progress of the State of Oregon Boiler Safety Program Study Guide.

(Item heard out of order)

II. PUBLIC COMMENT

Curt Lundine, Curt Lundine Consulting, spoke on the code adoption with a handout, *Exhibit "G."* Mr. Lundine suggested that the board make a motion to adopt the latest versions of the ASME Boiler and Pressure Vessel Code. The 2004 edition and addenda as published of: ASME Section 1, Section II; parts A, B, C, and D, Section IV, Section V, Section VI, Section VII, Section VIII Division 1 and 2, Section IX, and Section X. The ASME Pressure Piping Code B31 and addenda: ASME B31.1; 2004 edition, B31.3; 2004 edition, B31.5; 2004 edition, and B31.9; 1996 edition. The 2004 edition of the National Board Inspection Code ANSI/NB 23, the 1997 edition of NFPA 8501 for Single Burner Boiler Operation, the 1997 edition of NFPA 8502 for Multiple Burner Boilers, and the 2004 edition of ASME CSD-1, Controls and Safety Devices.

Administrator Long explained that because this issue would be to adopt a code, the public must be noticed. Andrea Simmons, Manager of Policy and Technical Services will contact the Chairman to discuss a "Special" board meeting for resolution.

Jay Bushard, Southern Oregon Inspections. Mr. Bushard expressed his concerns about not having a state inspector assigned to the Southern Oregon region.

(Back in order)

III.F. State Process Piping Inspectors – report.

Rodger Vignery, A&V Code Consulting, Inc., distributed, *Exhibit “H.”* The report is Process Piping Inspectors Association of Oregon, ASME B31.3 Category “M” Process Piping status report to the Oregon Board of Boiler Rules and the Building Codes Division. Mr. Vignery said that the rules are not being enforced and asked for support from the board to insist that the Building Codes Division exercise its responsibility to enforce the Administrative Rules and Statute.

III.G. The National Board of Boiler and Pressure Vessel Inspectors – report.

Paul Brennan, the Director of Public Affairs, gave a report from the National Board of Boiler and Pressure Vessel Inspectors on a number of issues related to safety and enforcement. He stated that Oregon has one of the best safety programs in the United States. Only one percent of the inspections performed in 2004 in Oregon resulted in violations. This information is per The National Board violation tracking program. That compares with an individual jurisdictional average of over ten percent. Mr. Brennan said that every government program needs periodic adjustment to improve efficiency and modernize operation. His report also included some suggestion such as; moving the boiler program to the State Fire Marshals Office, initiate an audit to determine the boiler program’s self-sufficiency, hire a Chief Boiler Inspector, and resist any effort to relax enforcement of the law.

IV. COMMUNICATIONS

Administrator Long distributed copies of the overdue document, which was discussed briefly. *Exhibit “I.”*

Chairman McLouth said that since his term is ending, board members should think about appointing a new Chairman.

V. APPEALS - None

VI. UNFINISHED BUSINESS - None

VII. NEW BUSINESS - None

IX. ADJOURNMENT

Chairman Dale McLouth adjourned the meeting at 4:30.

Respectfully submitted,

Debi Barnes-Woods
Division Boards Coordinator/Recorder

Exhibits:

- A. Priority bills tracked by the division, *Agenda Item III.A.*
- B. Budget document, *Agenda Item III.B.*
- C. Boiler concerns and responses, *Agenda Item III.C.*
- D. Boiler operation and maintenance requirements, *Agenda Item III.C.*
- E. Board committees, *Agenda Item III.C.*

- F. Contractor/Business License application, *Agenda Item III.C.*
- G. Suggested adoption of the latest version s of the ASME Boiler and Pressure Vessel Code, *Agenda Item II.*
- H. PPIO, ASME B31.3 Category “M” Process Piping status report, *Agenda Item III.F.*
- I. Overdue document, *Agenda Item IV.*

**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>