



SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION LOCAL UNION No. 17
of Eastern Massachusetts, Rhode Island, New Hampshire and Maine

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February 11, 2014

Board of Building Regulations and Standards
One Ashburton Place
Boston, MA 02108
Attn: Mr. Brian Gale, Chairman

Ref: 780 CMR Public Hearing 2-11-14

Dear Mr. Gale:

Please review the attached information and consider it statements of fact on behalf of the 1100 licensed sheet metal workers and 52 contractors we represent.

Yours Truly,

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Labor Management Director

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Business Manager

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February 11, 2014

Board of Building Regulations and Standards
One Ashburton Place
Boston, MA 02108

Attention: Mr. Brian Gale, Chairman

Reference: 780 CMR Public Hearing

Dear Mr. Gale,

As a sheet metal contractor licensed under sheet metal regulations 271 CMR I submit the following comments on the proposed 780 CMR revisions.

Chapter 1.0

Current language:

101.4. 11 Duct Work and Sheet Metal. *See the Board of Examiners of Sheet Metal Workers regulations at 271 CMR.*

New proposed language:

101.4.11 Duct and Sheet Metal. Any reference in this code to duct and sheet metal may be considered reference to 271 CMR: Board of Examiners of Sheet Metal Workers. 271 CMR is enforced by the *building official*.

Per M.G.L. c. 112 and 271CMR local inspections are "*enforced by the local inspector of buildings or a like official*" and for Commonwealth Inspections "*The Board and designated DPL staff shall grant or deny such permit applications and DPL inspectors shall perform the related inspections.*"

This new language clearly conflicts with sheet metal laws and regulations regarding Commonwealth Inspections.

Chapter 9.0

New proposed language:

909.21.3 Testing. Operational testing of the smoke control system shall include all equipment such as initiating devices, fans, dampers, controls, doors and windows.

This new language clearly conflicts with sheet metal laws and regulations regarding the testing of ductwork and air-handling equipment. The design, installation, testing or repair of ductwork, fans, dampers, grilles, screens and louvers associated with smoke exhaust or stairway pressurization systems is clearly “sheet metal work” per M.G.L. c. 112 and 271 CMR.

Current language:

101.4. 11 Duct Work and Sheet Metal. *See* the Board of Examiners of Sheet Metal Workers regulations at 271 CMR.

New proposed language:

101.4.11 Duct and Sheet Metal. Any reference in this code to duct and sheet metal may be considered reference to 271 CMR: Board of Examiners of Sheet Metal Workers. 271 CMR is enforced by the building official.

Per M.G.L. c. 112 and 271CMR local inspections are “*enforced by the local inspector of buildings or a like official*” and for Commonwealth Inspections “*The Board and designated DPL staff shall grant or deny such permit applications and DPL inspectors shall perform the related inspections.*”

This new language clearly conflicts with sheet metal laws and regulations regarding Commonwealth Inspections and was cited as such at the Building Code Coordinating Council on January 16, 2014.

M.G.L. c. 112

Section 247 Rules and regulations for cities and towns; enforcement; appeals

Section 247. The board shall adopt reasonable and uniform rules and regulations for cities and towns relative to the practice of sheet metal work. The rules and regulations shall be **enforced by the local inspector of buildings or a like official**. The board shall adopt a regulation requiring all cities and towns to use a uniform application for a permit to perform sheet metal work or to make special reference to the work on permits issued by an inspector operating pursuant to chapter 143 and any other applicable laws. Any fees for these permits shall be established by the city or town. Notwithstanding any general or special law to the contrary, no licensed journeyman or master sheet metal worker shall be issued a permit for the performance of sheet metal work pursuant to this chapter unless the licensee has a current liability insurance policy, including completed operations coverage, which has been issued by an insurance company licensed to do business within the commonwealth, or other type of indemnity against liability providing substantially equivalent coverage, or a bond.

M.G.L. c. 112

Section 251 Rules governing property owned by commonwealth

Section 251. **The board shall adopt rules relative to the construction, alteration, repair and inspection of all sheet metal work on property and buildings owned, used or constructed by the commonwealth** and in property and buildings owned, used or constructed by a public instrumentality of the commonwealth which is not subject to the supervision and control of either the legislative, executive or judicial departments. Such instrumentalities shall include, but not be limited to, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority and the Massachusetts Water Resources Authority, and all plans for sheet metal work in such buildings shall be subject to the approval of the board.

271 CMR 9.01: Jurisdiction of Inspectors

(1) **Commonwealth Inspections.** Effective February 19, 2011, permits to perform sheet metal work in buildings owned, used, or leased by the Commonwealth shall be submitted to the Board. **The Board and designated DPL staff shall grant or deny such permit applications and DPL inspectors shall perform the related inspections.** Non-refundable fees for Commonwealth permits shall be established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, ' 3B. Commonwealth inspectors may inspect any work site regardless of the issuing authority for the permit.

(2) **Local Inspections.** For all buildings that are not owned or constructed by the United States Government or owned, used or constructed by the Commonwealth, **permit applications shall be submitted to the local inspector of buildings, or a like official,** who shall grant or deny all such permit applications and who shall perform the related inspections. Fees and fee procedures for local inspections shall be determined by the municipalities.

NOTE: For those buildings owned or constructed by the United States Government, permits and inspections are only performed at the request of the Federal Government

Chapter 9.00 general comment:

The design and installation, testing or repair of ductwork, fans, dampers, grilles, screens and louvers associated with smoke exhaust or stairway pressurization systems is clearly “sheet metal work” per M.G.L. c. 112 and 271 CMR and was cited as such at the Building Code Coordinating Council on January 16, 2014.

New proposed language:

909.21.3 Testing. Operational testing of the smoke control system shall include all equipment such as initiating devices, fans, dampers, controls, doors and windows.

This new language clearly conflicts with sheet metal laws and regulations regarding the testing of ductwork and air-handling equipment and was cited as such at the Building Code Coordinating Council on January 16, 2014.

M.G.L. c. 112

Section 237 Definitions applicable to sections 237 - 251

“**Sheet metal work**”, the manufacturing, fabrication, assembling, handling, erection, installation, dismantling, alteration and repairing of all **commercial duct or air exhaust systems**, except for refrigeration and combustion units; installation of commercial fans, sheaves, belt guards, **dampers, louvers, screens, registers, grilles, diffusers**, sound traps, attenuators, mixing boxes and access doors in connection with duct or air exhaust systems, commercial and industrial architectural sheet metal watershed roof systems, except for roof coverings and associated metal flashing; **the testing, adjusting and air-balancing of all air-handling equipment and ductwork installed during new or remodeling construction**, the installation of commercial and industrial kitchen hoods, kitchen vents, bathroom exhaust vents and fans; provided, however, that sheet metal work shall not include the work conducted by a licensed pipe fitter, oil burning technician, refrigeration technician, plumber or gasfitter as determined by the laws and regulations relating to those professions; and provided further, that nothing in this section shall be construed to supercede chapters 142 and 146.

271 CMR 2.01 Definitions

“**Sheet metal work**”, the manufacturing, fabrication, assembling, handling, erection, installation, dismantling, alteration and repairing of all **commercial duct or air exhaust systems**, except for refrigeration and combustion units; installation of commercial fans, sheaves, belt guards, **dampers, louvers, screens, registers, grilles, diffusers**, sound traps, attenuators, mixing boxes and access doors in connection with duct or air exhaust systems, commercial and industrial architectural sheet metal watershed roof systems, except for roof coverings and associated metal flashing; **the testing, adjusting and air-balancing of all air-handling equipment and ductwork installed during new or remodeling construction**, the installation of commercial and industrial kitchen hoods, kitchen vents, bathroom exhaust vents and fans; provided, however, that sheet metal work shall not include the work conducted by a licensed pipe fitter, oil burning technician, refrigeration technician, plumber or gasfitter as determined by the laws and regulations relating to those professions; and provided further, that nothing in this section shall be construed to supercede chapters 142 and 146.