

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

The Commonwealth of Massachusetts
Department of Public Safety

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Mary Elizabeth Heffernan
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Minutes

Bureau of Pipefitters, Refrigeration Technicians and Sprinklerfitters
Department of Public Safety, Bldg B, 1380 Bay St., Taunton, MA 02780
June 15, 2011, at 10:00 a.m.

1. Meeting called to order by the Chairman at 10:10 a.m., followed by roll call:

Board Members Present:

Mark Sullivan, Chairman
Mark Fortune
Michael Torchio
Dan Dumont
Pauline Lally
Frank Norton
Jennifer Reville

Board Members Not Present:

John Viola
William Young
Leo Fahey
William Gallagher

Guests Present:

Beth McLaughlin, DPS General Counsel
Carrie Torrisi, Assistant General Counsel
Meghan Suchocki, DPS Intern
Lauren Scheffler, DPS Intern
Holly Bartlett, Clerical Assistant

2. Beth McLaughlin addressed the fact that we do not have a quorum, which does not prevent this meeting from moving forward, but does prevent the members from voting on matters. (However, during the course of the meeting, two additional members arrived, satisfying the number required for a quorum.)
3. The Chairman announced the agenda for today's meeting, a motion to accept the agenda was made by Mark Fortune, seconded by Mike Torchio, and passed by unanimous vote.

4. A correction was made to the draft minutes from the last meeting, Par. 6d should read, "Out of state contractor *considering* work in Plimpton, vice, "Out of state contractor *doing* work...". A motion to accept the minutes from the meeting of May , 2011, as amended, was made by Mark Fortune, seconded Dan Dumont, and passed by unanimous vote.
5. 528 C.M.R.: Beth McLaughlin addressed the Bureau with regards to the promulgation process for the revised CMR. She explained that the first step is to present the document to the BCCC, but that in this case the BCCC found no potential conflict. She proceeded to review the Regulation/Promulgation Schedule/Checklist she handed out (see attachment). During this review, the question was raised as to where the information for the Small Business Impact Statement was obtained. Beth replied that the information is gathered by the lawyers from several sources, including the Bureau members and the industry contacts maintained by the Bureau. ***Holly will collect contact information to create an e-mail/Constant Contact distribution list of interested industry contacts.**

The Chairman distributed a list of questions from the Bureau to be addressed by the General Counsel (see attached):

- Is a quorum necessary for a public hearing? No
- Where can a public hearing be held? Anywhere
- How long does the public hearing have to be? There is no minimum time requirement.
- Do questions or statements at a public hearing require a response from the Bureau? No
- What is a small business impact? A form filled out by legal and submitted to the Secretary of State's office that describes if/how the proposed regs might impact small businesses.
- If ANF rejects the proposal, will they indicate why, and can just that portion of the proposal be dropped? Can the proposal continue after one section is removed?
- What if members of the public contact Bureau members with questions, is it appropriate to answer these, or should they be directed elsewhere?
- What if something in the regulation needs to be changed after it goes into effect? The Bureau can make changes to the regs at any time, but it requires going through the promulgation process again.
- If the public hearing is held in September, when will the regulations go into effect? It depends on how long the Bureau takes to consider public comments before going ahead and filing the regs with the Secretary of State's office. The Secretary of State's office has a publication schedule that runs on a two week cycle so generally, the regs will go into effect approximately two weeks after they are filed.
- How long does the cross-jurisdictional conflicts review take?

Additional questions from Bureau members:

- What is the protocol to consider questions/comments at the public hearing? It is a forum for 'public comment', which doesn't require the Bureau to respond to comment, merely to hear.

Beth passed out a copy of an e-mail that she received from EOPSS, with questions for the Bureau regarding the proposed regulations (See attached):

- Requirements for high school degree for pipefitter and refrigeration apprentices: Will not change current practice.
- Division of Apprentice Training role in pipefitters apprentice licenses? *** DAT contact will be added to previously mentioned e-mail contact list. DAT contact: David Wallace.**

- Will the requirement that the DPS approve of journeyman and master pipefitters courses change current practice? No. Will just formalize in regs.
- Will the change to include proof of liability insurance for SC. Will add a cost, but will even the playing field.

6. New Business

a. None

7. With no remaining topics on the agenda, a motion was made by Jennifer Revill, seconded by Dan Dumont, to adjourn this meeting at 10:28 a.m., motion passed by a unanimous vote.

**Action items to be addressed at the next meeting are indicated by an asterisk*

The next meeting of the Bureau of Pipefitters, Refrigeration Technicians, and Sprinklerfitters will tentatively be on Wednesday, September 21, 2011.

Massachusetts Bureau of Pipefitters, Refrigeration Technicians, and
Sprinklerfitters Meeting
June 15, 2011
10:00 A.M., Taunton, MA

ATTENDANCE /SIGN IN SHEET

Name/Agency

Signature

Mark Sullivan, Chairman

Jennifer Revill, Public Representative

Frank Norton, Boston AC/Ref Contractor

William Gallagher, Refrigeration Tech.

Pauline Lally, User/Member

Leo Fahey, Pipefitter Member

John Viola, Sprinkler Contractor

Mark Fortune, Sprinkler Fitter

Michael Torchio, Mechanical Engineer

Dan Dumont, NE Mechanical Contractors

William Young, Mass. Building Trades

(Vacant) MA Bldg. Const. Council

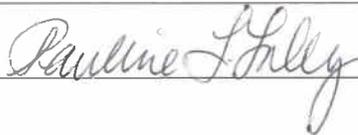
Lauren Schvettler, DPS Intern

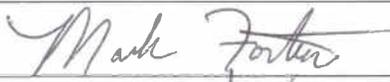
Meghan Suchocki, DPS Intern

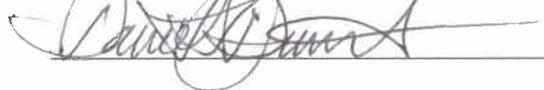
Carrie Torrissi, DPS

Sean McCaughlin



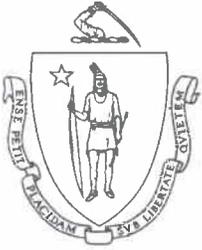











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Agenda

**Bureau of Pipefitters, Refrigeration Technicians and Sprinklerfitters
Department of Public Safety, Bldg B, 1380 Bay St. Taunton, MA 02780
June 15, 2011**

1) Roll Call

Mark Sullivan, Chairman	<input type="checkbox"/> present	<input type="checkbox"/> absent
Dan Dumont	<input type="checkbox"/> present	<input type="checkbox"/> absent
Leo Fahey	<input type="checkbox"/> present	<input type="checkbox"/> absent
Mark Fortune	<input type="checkbox"/> present	<input type="checkbox"/> absent
William Gallagher	<input type="checkbox"/> present	<input type="checkbox"/> absent
Pauline Lally	<input type="checkbox"/> present	<input type="checkbox"/> absent
Frank Norton	<input type="checkbox"/> present	<input type="checkbox"/> absent
Jennifer Revill	<input type="checkbox"/> present	<input type="checkbox"/> absent
Michael Torchio	<input type="checkbox"/> present	<input type="checkbox"/> absent
John Viola	<input type="checkbox"/> present	<input type="checkbox"/> absent
William Young	<input type="checkbox"/> present	<input type="checkbox"/> absent
(Vacant)	<input type="checkbox"/> present	<input type="checkbox"/> absent

2.) Adoption of the meeting agenda.

3.) Minutes of minutes from the meeting of May 18, 2011.

4.) Review of appeals / considerations:

- None

5.) Promulgation process for revised CMR/General Counsel

6.) New Business

7.) **Adjournment**

Some questions asked about the promulgation process

Is a quorum necessary for a public hearing

Where can a public hearing be held (Parking is an issue in Boston)

How long does the public hearing have to be in the event all present parties are not heard

Do questions or statements at a public hearing require a response from the Bureau

What is a small business impact

If ANF rejects the proposal will they indicate why and can just that portion of the proposal be dropped.

Can the proposal continue after one section is removed

What if the members of the public contact Bureau members with questions, is it appropriate to answer these or should they be directed to someone

What if something in the regulation needs to be changed after it goes into effect

If the public hearing is held in September when will the regulations go into effect

How long does the cross jurisdictional conflicts review take

Shea, Linda (DPS)

From: Caselden, Christopher (DPS)
Sent: Wednesday, June 15, 2011 10:23 AM
To: Shea, Linda (DPS)
Subject: FW: Pipefitter Regulations

Hi Linda,

Can you please print out copies of this e-mail and give them to Beth to distribute at today's Pipefitter Meeting? Thanks.

Chris

From: McLaughlin, Beth (DPS)
Sent: Wednesday, June 15, 2011 7:27 AM
To: Caselden, Christopher (DPS)
Subject: FW: Pipefitter Regulations

I will call u on this

Sent from my Android phone using TouchDown (www.nitrodesk.com)

-----Original Message-----

From: Massing, Greg (EPS) [Greg.Massing@MassMail.State.MA.US]
Received: Friday, 10 Jun 2011, 3:22pm
To: Torrisi, Caroline (DPS) [caroline.torrisi@MassMail.State.MA.US]
CC: McLaughlin, Beth (DPS) [Beth.McLaughlin@MassMail.State.MA.US]; Grossman, Todd (DPS) [Todd.Grossman@MassMail.State.MA.US]; Intern, Legal (EPS) [legal.intern2@MassMail.State.MA.US]
Subject: RE: Pipefitter Regulations

As promised, Alisa Sokol (who has joined the distinguished line of EOPSS summer associates) and I have a few follow-up questions on these.

The proposed regulations add a requirement that applicants for an apprentice pipefitter or apprentice refrigeration technician license possess either a high school degree or a state equivalency certificate. Are applicants for an apprentice pipefitter or apprentice technician license without a high school degree or a state equivalency certificate currently able to get a license? Will the proposed change preclude a significant number of people from obtaining an apprentice license?

The proposed amendments include a requirement that an applicant for an apprentice license be enrolled in an apprentice program registered with the Department of Labor Standards Division of Apprentice Training program. Will this change the current practice? Are the apprentice education programs currently offered by the Pipefitters Association registered with DAT? Are there other programs that are currently registered with the DAT? Is DAT on board with the proposed regulations?

Will the requirement that the Department (DPS) approve of journeyman and master pipefitter courses change current practice? If so, is there likely to be any opposition, and from whom?

Finally, the proposed changes to 528 CMR 12.00 include in section 8 proof of liability insurance, including "completed operations" coverage in the amount of \$500,000 minimum per occurrence or a bond or other type of indemnity against liability providing substantially equivalent coverage as a requirement for renewing a fire protection sprinkler systems contractor's license. Will this change and/or add significant cost to the current procedure for renewing the license?

-Greg

P.S. Feel free to tell the bureau that the regs are up at EOPSS for review.

From: Torrasi, Caroline (DPS)
Sent: Tuesday, May 24, 2011 10:38 AM
To: Massing, Greg (EPS)
Cc: McLaughlin, Beth (DPS); Grossman, Todd (DPS)
Subject: Pipefitter Regulations

Greg,

The Bureau of Pipefitters, Refrigeration Technicians, and Sprinklerfitters recently voted to amend its regulations (528 CMR 11.00 and 12.00). Attached for your review are an EO 485 checklist, a redline version of the proposed amendments, and a memo outlining the proposed changes. Commissioner Gatzunis has reviewed and approved of the proposals moving forward.

Thanks,
Carrie

Caroline P. Torrasi
Assistant General Counsel
Department of Public Safety
One Ashburton Place, Room 1301
Boston, MA 02108
617-727-3200 x25216

Bartlett, Holly (DPS)

From: McLaughlin, Beth (DPS)
Sent: Thursday, June 09, 2011 8:58 AM
To: Sullivan, MarkG (DPS); Bartlett, Holly (DPS)
Cc: Torrisi, Caroline (DPS)
Subject: RE: Bureau meeting

Mark/Holly

I will attend this with Carrie to answer their questions. If you know in advance what they are, that would be helpful for me to ensure that they get all of their issues addressed.

Holly, can you please send an outlook so I know the location and its in my calendar. Thank you.

Beth D. McLaughlin
Chief Of Staff/General Counsel
Department of Public Safety
One Ashburton Place Room 1301
Boston, MA 02113
Tel.(617)727-3200

From: Sullivan, MarkG (DPS) [mailto:markg.sullivan@massmail.state.ma.us]
Sent: Thursday, June 09, 2011 8:43 AM
To: Bartlett, Holly (DPS)
Cc: McLaughlin, Beth (DPS)
Subject: Bureau meeting

Good Morning Holly,

The Bureau meeting will be held June 15, 2011 at 9:30 AM. The agenda should include the following; Applications that need review by the Bureau (check with Maria),

Discuss promulgation process and concerns involving said process. After speaking with several members its apparent that they still have questions about the promulgation process and I want to address these now. Any questions or concerns call me.

Thanks,

Mark Sullivan
District Engineering Inspector
Department of Public Safety
One Ashburton Place, Room 1301
Boston, MA. 02108
Tel. 617-719-0171

REGULATION PROMULGATION SCHEDULE/CHECKLIST

DATE

___ N/A - send notice of proposed changes via flip drive to BCCC (must be 2 weeks prior to BCCC meeting) [This requirement applies to any DPS code if it has the potential to conflict with another construction related code including but not limited to: the state plumbing and gasfitters code, electrical code, fire safety code, elevator code, sanitary code, fire prevention regulations, architectural access regulations, boiler regulations, and drinking water regulations.]

DATE

___ N/A - BCCC meeting (approval of proposed changes required prior to beginning EO 485 process)

DATE Civil Rights Impact Analysis performed and recorded on DPS form.

DATE

-Prepare EO 485 checklist for approval by DPS Commissioner and EOPSS Secretary (including redline version of proposal)
-Forward approved EO 485 checklist and redline version of proposal to ANF at the "ANF Regulations" email address on the state email network. (must be 10 days prior to notifying LGAC)

DATE

- send notice to Local Government Advisory Committee at the addresses below (35 days prior to hearing):

Ms. Marilyn Contreas
Department of Housing &
Community Development
100 Cambridge Street
Suite 300
Boston, MA 02114

Mr. John Robertson
Massachusetts Municipal Association
One Winthrop Square
Boston, MA 02110

DATE - Notices- (21 days prior to public hearing)

Ads noticing public hearing sent to daily newspaper(s) [contact email at Boston Globe: legals@globe.com]

send proposed regs to interested parties (*if any*) with notice of hearing
Consider posting proposed regs on website

DATE -Notice (including redline) to the Secretary of State's Office - (21 days prior to public hearing) [The Notice must also appear in the *Massachusetts Register* at least one week prior to hearing so please check the Register publication calendar for submission deadlines to make sure that you meet this deadline.]

***Note-** notice must contain small business impact statement- See G.L. c.30A, §§2 and 3:

"That small business impact statement shall include, but not be limited to, the following:

- (1) an estimate of the number of small businesses subject to the proposed regulation;
- (2) projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation;
- (3) the appropriateness of performance standards versus design standards;
- (4) an identification of regulations of the promulgating agency, or of another agency or department of the commonwealth, which may duplicate or conflict with the proposed regulation; and
- (5) an analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the commonwealth"

DATE -Public hearing
-Review suggestions and make any changes to proposed version of regulations.
-Consider offering a public comment period of at least 1 week.

DATE -final regulations filed with Secretary of State for publication in DATE *Register* (must be done online and via hard copy- any changes from the originally filed proposal must be made on the "long form" provided by the SoS).

***Note-** notice must contain small business impact statement- See G.L. c.30A, §5:

"Prior to the adoption of a proposed regulation, an agency shall file an amended small business impact statement, which considers, without limitation, whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

- (1) establishing less stringent compliance or reporting requirements for small businesses;
- (2) establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- (3) consolidating or simplifying compliance or reporting requirements for small businesses;
- (4) establishing performance standards for small businesses to replace design or

operational standards required in the proposed regulation;

(5) an analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the commonwealth; and

(6) minimizing adverse impact on small businesses by using alternative regulatory methods.”

DATE -final regulations published in *Register*. (*The regulations do not go in to effect until they have been published in the Register.*)