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Working Group

Catherine Flaherty
ACA/NE

Dorothy Harris
International Code Council

Tim FitzGerald
Norwell Building Commissioner

Patrick Franey
Barnstable Building Inspector

Douglas Hamilton
Central Cooling & Heating

Curtis Meskus
Massachusetts Federation
Of Building Officials

Andy Rodenhiser
Andy Rodenhiser
Plumbing Heating

Dan Walsh
Lincoln Building Inspector

Tim Woods
Atlantic Heating & A/C

Lisa Dixon
Special Counsel for Regulatory Reform
Executive Office for Administration and Finance
State House, Room 373
Boston MA, 02133

Dear Ms. Dixon

We are writing to voice concern that the Massachusetts Board of Sheet Metal Workers has failed to meet the requirements of Executive Order No. 562 - To Reduce Unnecessary Regulatory Burdens.

It was our understanding that the Board would review all of its regulations to "ensure they are business friendly and in the best interests of the public's health, safety, and welfare."

We do not believe this has been achieved. Last year the members of the Air Conditioning Association of New England (ACA/NE) and the Massachusetts Federation of Building Officials, together with the International Code Council (ICC), formed what we call the Working Group.

We meet monthly to identify and discuss issues that cause conflict at the local level between contractors and building officials. The Working Group's goal is to make recommendations that will resolve these conflicts and streamline the permitting process.

A primary challenge has been the practice of individual cities and towns interpreting the sheet metal law differently. Currently each community issues a variety of different permits for similar jobs and all do so with varying fee schedules.

To help reduce the confusion and conflict with the current building code, the Working Group brought two issues to the attention of the Sheet Metal Board. It was our hope was that the Board would help us lessen the adverse affect and burden and cost that are caused by dueling interpretations of the current statute as it relates to sheet metal permits.

The Working Group has determined that the following are correct interpretations of the statute.

1. According to MGL, Ch 112 sec 247, a separate sheet metal permit is not required if the sheet metal work is referenced on a building permit.
2. A sheet metal permit is not required for one and two family dwellings. Sheet metal permits are required only for commercial projects.

The Sheet Metal Board does not agree with this interpretation as outlined in the attached letter from Charles Kilb, Legal Counsel for the Massachusetts Division of Professional Licensure. As you see Mr. Kilb believes that sheet metal permits are required for residential projects and those operating with a building permit.

After receiving this correspondence we met with Mr. Kilb and Peter Kelly, Board Counsel for the Massachusetts Division of Professional Licensure. Our goal was to work out the differences of opinion, but we were unable to come to an understanding or agree on an interpretation of the statute.

What is most troubling is that building inspectors are not issuing sheet metal permits for residential projects because this is not required by the building code they follow to the letter of the law. This can place an HVAC contractor's license in jeopardy.

Building officials and HVAC contractors all want to adhere to the law. They just want one set of rules that makes sense for everyone including the homeowner.

We are writing to you seeking your assistance in our efforts to find a solution that makes sense, is not duplicative of local requirements, and does not unduly and adversely affect our constituents and customers.

The two primary issues are detailed in the attached document. Your assistance in this matter is greatly appreciated.

Sincerely,



John Sinclair
President
Air Conditioning Association Of New England



Curtis Meskus, CBO
President
Massachusetts Federation Of Building Officials

cc: Paul Moran, Chairman, Massachusetts Board of Sheet Metal Workers and Operations Manager,
Needham Mechanical Systems
Felix Zemel, Acting Chief of Inspections, Board of Building Regulations and Standards
Peter Kelley, Executive Director, Massachusetts Division of Professional Licensure
Charles Kilb, Legal Counsel for the Massachusetts Division of Professional Licensure



1. Question: Is a separate sheet metal permit needed if there is already a building permit for the project?

For example: A roofing permit would be required for a roof on an existing building. However, when a building is newly built a separate roofing permit is not required because it is in the scope of work for the new building. Therefore, the building permit covers this work, and in effect there is a permit for the roof.

Answer: No.

According to mgl ch 112 sec 247, a separate sheet metal permit is not required if the sheet metal work is referenced on a building permit.

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.

2. Question: Does sheet metal apply to one and two family dwellings?

"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 supersede chapters 142 and 146.

Answer: No.

According to mgl ch 112 sec 237 "sheet metal work" refers only to commercial work.