

**BOARD OF FIRE PREVENTION REGULATIONS
MINUTES OF BOARD MEETING
December 5, 2019**

The Board of Fire Prevention Regulations held a Board meeting on Thursday, December 5, 2019 at the Department of Fire Services, Boards and Commissions Room, Stow, Massachusetts.

The following Board members were present at this meeting:

Richard Arruda	Chief, Dartmouth Fire District 3
Anthony Caputo	Registered Professional Fire Protection Engineer
Jeffrey Cox	Registered Professional Electrical Engineer
John D. Cox	Registered Professional Chemical Engineer
Larry S. Fisher	Electrical Contractor
Michael Hazel	Chief, Tewksbury Fire Department
Alfonso Ibarreta	Registered Professional Mechanical Engineer
William Laidler	Hanover Wiring Inspector
William LaLiberty	Representing Communities of 50,000 or more
Peter Ostroskey	State Fire Marshal
Paul C. Scheiner	Chemist
Kenneth A. Smith	Blasting Association Member

The following Board members were absent from this meeting:

John Dempsey	Designee of the Boston Fire Commissioner
Robert MacKendrick	FPAM Representative

DFS/BFPR staffing present at this meeting:

Jennifer Hoyt	Division of Fire Safety
Christina Rodriguez	Division of Fire Safety
Glenn Rooney	Legal Counsel, Department of Fire Services
Paul Vigneau	Director, Division of Fire Safety

1. Open Public Hearing and Member Introductions

Chairman Caputo opened the public hearing at 1:00 p.m.

In accordance with M.G.L. c.30A, s.2 and s.3 and c. 143, s. 3L, notice is hereby given of a public hearing by the Board of Fire Prevention Regulations (BFPR) at the Department of Fire Services, State Road, Stow, MA., in the Boards and Commissions Room on Thursday, December 5, 2019 at 1:00 p.m. for the purpose of hearing public comment on proposed amendments to the Massachusetts Electrical Code (527 CMR 12.00). Said code is, in large part, based upon the National Electrical Code (NFPA 70, 2020 Edition). The amendments reflect technical interim amendments made to the base NFPA 70 and are, in large part, corrective in nature and provide more detail or clarity to existing technical installation methods. Written or

oral comments may be submitted at the time and place of the hearing. One may also submit written comments by mailing or e-mailing comments to Glenn Rooney, Counsel to the Board of Fire Prevention Regulations (Glenn.Rooney@mass.gov) P.O. Box 1025, State Rd, Stow, MA 01775 (Tel. 978-567-3183). To be considered by the Board, mailed or emailed comments must be received no later than 4:00 p.m., December 4, 2019. Copies of the proposed amendments are also available at the BFPR's web page at:

<https://www.mass.gov/orgs/departments-of-fireservices>.

2. *Receipt of comments or petitions for changes to the Massachusetts Electrical Code, 527 CMR 12.00.*

Jeff Terrey from Rasky Partners, present on behalf of Legrand North America, submitted a public comment regarding proposed amendments to the 2020 National Electrical Code. Mr. Terrey is testifying in opposition to require to expand AFCI circuits throughout 1 and 2 family homes, as it then would require them in bathrooms and garages.

Mr. Vigneau stated there were 4 public comments received and forwarded to the advisory committee this morning.

3. *Adjourn the hearing*

A motion was made by Mr. Arruda, seconded by Mr. Laidler, the board unanimously voted to close the public hearing at 1:09 p.m.

Open Monthly Board Meeting

1. The board meeting opened at 1:09 p.m.
2. *Minutes from the September 19, 2019 meeting submitted for approval.*

A motion made by Mr. Scheiner, seconded by Mr. Ibarreta, the board unanimously voted to accept the minutes from the September 19, 2019 meeting as amended.

3. *Minutes from the October 8, 2019 statutory public hearing for approval.*

Mr. Vigneau stated the staff held the hearing and there was no public comment received.

A motion made by Mr. Cox, seconded by Mr. Hazel, the board unanimously voted to accept the minutes from the October 8, 2019 statutory public hearing.

New Business

1. *Request for interpretation relative to 527 CMR 1.00:13.7.5.1.2 (wireless smoke and CO devices) received from James Mailloux on September 18, 2019.*

Motion made by Chief Arruda, seconded by Mr. Laidler, the board unanimously voted to accept the response by staff as written.

2. *Information received from the Town of Ludlow, MA as required by M.G.L. c.148 s. 9 relative to storage permit fees.*

Notification on the change of fees only, as required by Mass General Law. No action required.

3. *Request for interpretation relative to article 300.5(J) received from Mr. Coleman Costello on October 2, 2019.*

Mr. Vigneau stated this request for interpretation was forwarded to the advisory committee this morning. Motion made by Mr. Laidler, seconded by Mr. Cox, the board unanimously voted to accept the recommendation of the subcommittee and interpretation committee.

- a. *Request for interpretation relative to article 250.140 received from Mr. Sandy Mclardy on September 12, 2019.*

Motion made by Mr. Laidler, seconded by Mr. Cox, the board unanimously voted to accept the recommendation of the subcommittee and interpretation committee.

4. *Code committee membership review.*

Mr. Vigneau stated that Mr. Keith is not with us today as he has submitted a letter of resignation from the Board of Fire Prevention Regulations. He has retired from FM Global and has taken a position as a contractor for the Fire Safety Division to work with staff on code administration until a replacement has been found for the Rich Fredette's position. This also creates some vacancies within the committees. We are actively engaged in seeking another public member and building committee. DFS is beginning to look at the 2018 edition of the fire code with the help of NFPA. DFS is hoping to work through the promulgation process for the 2018 edition of NFPA 1 in January.

Old Business

1. *Committee/ Reports*
 - b. *Administrative Code Committee (No Meetings)*
 - c. *General Requirements Code Committee (No Meetings)*
 - d. *Occupancy Code Committee (No Meetings)*
 - e. *Processing Code Committee (No Meetings)*
 - f. *Equipment Code Committee (No Meetings)*
 - g. *Hazardous Code Committee (No Meetings)*
 - h. *Electrical Code Committee*

Mr. Laidler stated the Electrical Code Advisory Committee met this morning to review public comments which were submitted and some errata's which needed to be addressed. The Electrical Code Advisory Committee has made a recommendation to accept the document CMR 12 as presented to the board with changes.

- 1) *Two communications from Frederic P. Hartwell, President of Hartwell Electrical Services, Inc. regarding the Board of Electricians' case BEA-18-00006-AP Appeals (Tabled)*

- 2) *Requesting the Superior Court to remand this matter, in order that it be allowed to re-open with respect to streetlights in the Town of Millis for further proceedings not inconsistent with its position on the extent to which 527 CMR 12 applies to municipal street lighting. (Tabled)*
- 3) *Requesting the following interpretation, does the conversion of ownership of a luminaire installed pursuant to c. 164 §34A and made subject to “an alternative tariff approved by the department” result in the luminaire becoming subject to provisions in the National Electrical Code as it applies in Massachusetts? (Tabled)*
- 4) *Communication from the Executive Director Board of State Electrical Examiners requesting no action on Mr. Hartwell’s communication until pending litigation is resolved. (Tabled)*

Mr. Laidler recommended the four above items continue to be tabled.

- 5) *Request for interpretation relative to article 250.140 received from Mr. Sandy Mclardy on September 12, 2019.*

A motion made by Mr. Cox, seconded by Mr. Fisher, the board unanimously voted to send the request for interpretation relative to article 250.140 received from Mr. Sandy Mclardy on September 12, 2019 to the interpretations committee.

2. *Discussion regarding electrical code public hearing and promulgation timelines*

Mr. Laidler mentioned the electrical committee took a vote to dedicate the MA Electrical Code to Rich Fredette.

Motion made by Mr. Laidler, seconded by Mr. Cox, the board unanimously voted to dedicate the Massachusetts Electrical Code CMR 12 to Mr. Fredette for the 2020 code.

Hearing all the public comments, the Electrical Advisory Committee took action and listened, voted and made recommendation to submit, to BFPR, a motion to accept the 2020 Massachusetts Electrical Code as presented to the board with the recommended amendments and typo changes.

Mr. Vigneau stated there were four public comments received by the deadline which were reviewed by the subcommittee. These were typographical errors and non-substantive. Another public comment was received after the deadline, but presented today and taken up this morning by the subcommittee. Mr. Laidler mentioned expansion with the use AFCI protection in the commonwealth. The subcommittee has elected and recommends to continue to expand the use of AFCI’s throughout residential dwellings.

Mr. Rooney mentioned another public comment was received by the deadline from Jennifer Hatfield at the Pool and Hot Alliance regarding bonding agents in in ground and above ground pools.

Mr. Laidler stated the Electrical Advisory Committee recommends continuing with the proposed amendment to require the copper grid be used on in ground pools. The evidence successfully proves the copper mesh is a much safer way to go for a pool area, rather than a single conductor buried under the ground. This is for in ground pools only.


Motion made by Mr. Laidler, seconded by Mr. Cox, the board unanimously voted to accept the Massachusetts Electrical Code CMR 12 as presented to the board with the recommended amendments for promulgation.

Mr. Rooney spoke about the 527 CMR 12 promulgation timelines. The final step in the process will be to get the proposed amendments to Administration and Finance for final approval, along with the small business impact statement. If they get approval back by next week, it will be sent to the Secretary of State's Office by December 13, which would give the amendments an effective date of December 27. If the approval from Administration and Finance comes after December 13, the next date to final the regulations would be December 27 and the effective date would be January 10. All contingent upon approval from Administration and Finance in order to hit the deadlines within the Secretary of State's Office.

3. *Items not reasonably anticipated by the Chair*

None.

A motion was made by Mr. Scheiner, seconded by Marshal Ostroskey, to adjourn the meeting at 1:38 p.m. The Board voted unanimously on this motion.

Submitted by:  Date: 3/17/2020