

**BOARD OF FIRE PREVENTION REGULATIONS
MINUTES OF BOARD MEETING
September 19, 2019**

The Board of Fire Prevention Regulations held a Board meeting on Thursday, September 19, 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
Jeffrey Cox	Registered Professional Electrical Engineer
John D. Cox	Registered Professional Chemical Engineer
John Dempsey	Designee of the Boston Fire Commissioner
Larry S. Fisher	Electrical Contractor
Michael Hazel	Chief, Tewksbury Fire Department
William Laidler	Hanover Wiring Inspector
William LaLiberty	Representing Communities of 50,000 or more
Gary S. Keith	Representative of the Public
Robert MacKendrick	FPAM Representative
Peter Ostroskey	State Fire Marshal
Paul C. Scheiner	Chemist
Kenneth A. Smith	Blasting Association Member

The following Board members were absent from this meeting:

Anthony Caputo	Registered Professional Fire Protection Engineer
Alfonso Ibarreta	Registered Professional Mechanical Engineer

DFS/BFPR staffing present at this meeting:

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

Chairman to open the public hearing and member introductions

Mr. Rooney opened the public hearing at 10:04 am.

Regulatory Hearing pursuant to M.G.L. c. 30A to receive public comments on proposed revisions to 527 CMR 1.00, including the adoption of an amendment package for the 2015 Edition of NFPA-1 with Massachusetts Amendments.

A motion made by Mr. MacKendrick, seconded by Mr. Keith, the board unanimously voted for Mr. Laidler to be Chairman pro tem.
Mr. Laidler recited the public hearing notice.

“Pursuant to M.G.L. c.30A, s. 2; c.22D, s. 4 and c.148, s. 10, notice is given of a public hearing to be held 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, September 19, 2019, at 10:00 a.m. for the purpose of hearing public comments on proposed amendments to the Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.00. The proposals include amendments to existing provisions regarding code administration, code definitions, general safety requirements, fire department access and welding, cutting and other hot works programs. The proposals also include new regulations pertaining to marijuana growing, processing and extracting facilities, on-demand mobile refueling and energy storage systems. Finally, the amendments include minor edits and/or corrections to increase clarity and usability of the existing code. A copy of the proposed amendment package in its entirety can be found at:

https://www.mass.gov/files/documents/2019/07/22/20190718_BFPR_AmendmentPackage_VotedforPromulgation_0.pdf - 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., September 18, 2019.”

Mr. Rooney stated the above notice appeared in the Massachusetts Register and The Boston Globe on August 23, 2019 and the draft regulations for the public viewing have been available on the DFS website since August 1, 2019.

1. Receipt of public comments

Mr. Vigneau mentioned that no written comments have been received by FSD staff regarding the draft regulations. There were a few phone inquiries received by Ms. Hoyt and Mr. Vigneau. Changes were shown and everyone has been comfortable thus far. Mr. Rooney receive emails from people looking for the amendment package, but no comments received. Ms. Hoyt received feedback regarding grammatical errors, which will be corrected. The building code and cannabis study group are consecutively working on their regulations, instead of using the word marijuana they are using the word cannabis. We may want to change this to stay consistent with the terminology throughout all of the codes which would be published around the same time. Mr. Vigneau mentioned he was notified of a numbering mistake in the current amendment package, which will be corrected and part of the package moving forward.

2. Close Hearing

A motion was made by Marshal Ostroskey, seconded by Mr. Keith, the board unanimously voted to close the public hearing at 10:00 am.

Open Monthly Board Meeting

1. *Member Introductions*
2. *Minutes from the July 18, 2019 meeting submitted for approval.*

A motion made by Mr. MacKendrick, seconded by Mr. Smith, the board unanimously voted to approve the minutes from the July 18, 2019 meeting.

New Business

1. *Discussion of public comments received during today's public hearing on proposed revisions to 527 CMR 1.00.*

Mr. Vigneau mentioned no public comments have been received at this point in time.

2. *Possible vote to approve for final promulgation the regulations that were the subject of today's public hearing.*

Marshal Ostroskey asked whether or not the cannabis terminology issue can be solved with a Mass amendment regarding the purposes of the code, marijuana and cannabis equate to the same language. Ms. Hoyt mentioned it can be handled in that fashion or the language to be published can be changed. The entire section is a Massachusetts amendment so find and replace to put cannabis in the place of marijuana or it can be done as a definition. Marshal Ostroskey stated it is more critical to place a definition in the regulation, rather than the annex, which is not enforceable. Mr. Rooney agreed, an affirmative or definition should appear within the text of the code in order to make it enforceable.

A motion was made by Mr. MacKendrick, seconded by Marshal Ostroskey, the board unanimously voted to change the word marijuana to cannabis throughout the document. A new definition would be established as well.

A motion was made by Marshal Ostroskey, seconded by Mr. Keith, the board unanimously voted to staff be authorized to develop a definition of cannabis to be added to the appropriate section of the code based on the previous motion.

Marshal Ostroskey asked if there already a definition is use by the Cannabis Control Commission or the Department of Agricultural Resources. Ms. Hoyt mentioned she does not believe there is a definition of cannabis, there is a definition of marijuana and a definition of hemp, which are very lengthy regarding the THC content and their regulatory scope of the cannabis commission. Our definition should read along the lines of cannabis is defined of the plant cannabis (the Latin word for it), including marijuana and hemp.

Motion was made by Mr. Smith, seconded by Mr. Keith, the board unanimously voted to promulgate NFPA 1 as the model code.

Old Business

1. *Committee/ Reports*

- a. *Administrative Code Committee (No Meetings)*
- b. *General Requirements Code Committee (No Meetings)*
- c. *Occupancy Code Committee (No Meetings)*
- d. *Processing Code Committee (No Meetings)*
- e. *Equipment Code Committee (No Meetings)*
- f. *Hazardous Code Committee (No Meetings)*
- g. *Electrical Code Committee*
- h. *Two communications from Frederic P. Hartwell, President of Hartwell Electrical Services, Inc. regarding the Board of Electricians' case BEA-18-00006-AP Appeals (Tabled)*

Mr. Laidler recommended these two items continue to be tabled.

- 1) *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)*
- 2) *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)*
- i. *Communication from the Executive Director Board of State Electrical Examiners requesting no action on Mr. Hartwell's communication until pending litigation is resolved. (Tabled)*
- j. *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.

- k. *Review and possible vote to initiate the promulgation process to adopt the 2020 National Electrical Code with Massachusetts Amendments (527 CMR 12.00)*

Mr. Vigneau had conversation with some of the educators, they are happy to know about the draft so they can begin to work on the materials, but understand it is just a draft. The document is subject to change until public hearing.

A motion was made by Mr. MacKendrick, seconded by Mr. Smith, the board unanimously voted to begin the promulgation process for the 2020 National Electrical Code with Massachusetts Amendments (527 CMR 12.00).

Marshal Ostroskey asked what this motion allows. Mr. Rooney mentioned this is a vote for legal counsel to begin work on the document. Essentially it becomes frozen in time until public comment and if any additional changes need to be made. If the board votes promulgation on this document, that is the document legal will use to notice ANF, EOPSS and other regulatory bodies which have oversight over the regulation process. Then any changes would come in at the public comment period.

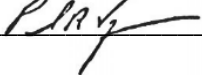
2. *Discussion regarding promulgation timelines*

Mr. Rooney stated the public hearing will potentially be held in early November.

3. *Items not reasonably anticipated by the Chair*

Mr. Vigneau mentioned the next meeting is scheduled for October 3, 2019, two weeks away. Not sure if a meeting will be needed at that time, but it is the discretion of the board. If the board holds off until November, we will have a better understanding of where we are with the Electrical Code and the process of the Fire Code. A statutory public hearing is scheduled for October 3, 2019, but can be conducted by staff. The board will leave the October meeting up to the discretion of the Chair.

A motion was made by Marshal Ostroskey, seconded by Mr. Mackendrick, to adjourn the meeting at 10:42 a.m. The Board voted unanimously on this motion.

Submitted by:  Date: 12/5/19