

**BOARD OF FIRE PREVENTION REGULATIONS
MINUTES OF BOARD MEETING
March 17, 2020**

Per Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, s.20 signed and dated March 12, 2020, the March 17, 2020 meeting of the Board of Fire Prevention Regulations will be conducted, and open to the public, via teleconference at (866) 916-2030 pass code 7460297 # beginning at 1:00 p.m.

The Board of Fire Prevention Regulations held a Board meeting on Tuesday, March 17, 2020 via teleconference.

The following Board members were present on the teleconference:

Richard Arruda	Chief, Dartmouth Fire District 3
Anthony Caputo	Registered Professional Fire Protection Engineer
Jeffrey Cox	Registered Professional Electrical Engineer
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 teleconference:

John D. Cox	Registered Professional Chemical Engineer
Larry S. Fisher	Electrical Contractor
Robert MacKendrick	FPAM Representative

DFS/BFPR staffing present on this teleconference:

Jennifer Hoyt	Division of Fire Safety
Gary Keith	Division of Fire Safety
Matthew Murray	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

Also present were the following interested individuals (and their affiliations):

Bob Duvall
Michael Young
John Correia

Open Monthly Board Meeting

1. Member Introductions

Chairman Caputo opened the board meeting at 1:00 p.m. and asked board members and staff to introduce themselves for the record.

2. Minutes from the December 5, 2019 meeting submitted for approval.

A motion made by Chief Arruda, seconded by Mr. Laidler, the board unanimously voted to accept the minutes from the December 5, 2019 meeting as presented.

New Business

1. Request for interpretation of 527 CMR 12.00 article 230.85 of the NEC relative to emergency disconnects

Upon a motion made by Mr. Laidler, seconded by Dr. Scheiner, the board unanimously voted to accept the interpretation recommendation made by the code advisory committee.

2. Request for interpretation of 527 CMR 12.00 article 334.10 exception

Upon a motion made by Mr. Laidler, seconded by Dr. Scheiner, the board unanimously voted to accept the advisory committee recommendation.

3. Staff proposed amendments to 527 CMR 1.00 and potential vote

Mr. Vigneau mentioned the proposed amendments to 527 CMR 1.00 establish administrative penalties for individuals who engage in any work or trade after suspension of said license, certificate or registration issued by the State Fire Marshal. Mr. Vigneau noted that there have been quite a few issues where staff and legal had to hold hearings regarding violations of the codes that are applicable to the individual's particular licenses. One issue is there is very little penalty for someone who knowingly sells their license to another individual or lets someone else use their own license. These proposed amendments address and brings in additional penalties for license holders that could be levied against people that violate the code.

Staff has also proposed modification to Chapter 69. The modifications are based on events such as gas companies that install propane tanks are responsible for those propane tanks. If a customer decides to switch companies it's the responsibility of the tank owner to remove the tanks. If they refuse to do so, there is very little recourse in the code as it exists. We are proposing that once a home owner or building owner the company informs the gas company they want the tanks removed, the company has 30 days to respond to the request or someone who is licensed and capable of removing those tanks may do so.

Mr. Murray explains we feel the proposed amendments will give us an edge in regulating the different trades we license; particularly hood cleaning and fire suppression. There seems to be a big uptick lately with individuals selling their licenses and companies allowing employees who are not licensed to work under their individual or company license. Putting this in place will help with enforcement power.

Chairman Caputo asked what the anticipated timeline looks like as far as getting the proposed amendments into regulation. Mr. Rooney answered most likely with a target public hearing in April and regulation appearing in the code in May. Mr. Vigneau added we are looking at a 2-3 month lead in the regulation becoming effective, depending on when the vote of the board takes place to promulgate the change.

Chief Arruda asked if it was the intent of staff to submit all changes as proposed today at the same time. Mr. Rooney answered, yes, it was the intent to submit them all as a mini amendment package.

Chief LaLiberty mentioned the proposed amendments are needed for enforcement. The board should move forward now given DFS code compliance and local fire departments the tools to better do their jobs? It looks like it's needed now, not months down the road. Mr. Rooney added the language was drafted with the intent to cast a wide net to give local fire departments the ability to enforce it, but to give code compliance the support here at DFS in order to have these licensees' and applicants take the process seriously.

Upon a motion made by Chief Arruda, seconded by Mr. LaLiberty, the board unanimously voted to promulgate the proposed amendments to 527 CMR 1.13 and 50.5.6.16 as written.

Chief Arruda asked where the modification of 69.3.12.6.4 would be instituted. As background, Mr. Vigneau mentioned there was a situation in a community where a group of residents were trying to get a propane tank removed and replaced by a new company. The owner of the tank would be required to remove the tank, but the company refused to do so which caused a delay and lead to lawsuits to try to get the tank removed, so the new company could install their tank to provide propane to the community. Through discussion with legal, DFS realized there was nothing in the code DFS or the local AHJ could rely upon to force the owner of the tank to remove it or bring in a third party to remove the tank. Chief Arruda mentioned it has been happening for some time where a new tank company comes in and rolls the old tank to the side. If the person was using the propane tank to heat their house and if this was the only means for getting the other tank out, realistically they could run out of propane and wait 30 days, and potentially still have an order from the fire department to try to help them out. 30 days does not seem like it will suffice. Mr. Smith agreed and mentioned would it be better if the language allowed a qualified individual to disconnect the tank? Mr. Rooney stated the code already requires a trained individual to be the one to work on the tank, whether it be connect, disconnect, fill or refill.

Upon a motion made by Chief Arruda, seconded by Mr. Laidler, the board unanimously voted to send 69.3.12.6.4 to subcommittee.

4. Staff update and discussion related to NFPA 1 2018 edition review

Mr. Vigneau stated the sample of NFPA 1 2018 edition is provided and we would like to send to subcommittees for their review. The document was created by Gary Keith, who is

assisting in the code review process. Mr. Keith mentioned the frustration in reviewing the changes from the 2015 edition to the 2018 edition. We have since met with NFPA and received a good document to start at the basis for looking at the 2018 edition. Mr. Keith has put together a document for the subcommittees. This is just a sample of what I, Mr. Keith, have worked on to send to the individual committees. I realize this is being done without the board making a decision on what to do with the 2018, which will be out before the end of the year. If the board decides not to fully promulgate the 2018 edition, it will be good due diligence to go through the process of reviewing the 2018 changes at the committee level and that would be a good stepping off point once 2021 is available.

Mr. Duvall mentioned NFPA has solved the issues with the change markings and they have a means to make a document which can be used to compare and contrast the two documents.

Upon a motion made by Mr. Laidler, seconded by Dr. Scheiner, the board unanimously voted to have staff send out the document and have the committees review.

5. Staff update on 527 CMR 12.00 amendments

Mr. Keith provides an update regarding 527 CMR 12.00 amendments. Electrical Advisory board submitted the NEC 2020 code that took effect on December 27, 2019. Bill Laidler and Fred Hartwell submitted a couple technical corrections, which were forwarded to the Secretary of State's Office. They were published in the Massachusetts register were reflected in March 6, 2020, the technical corrections have taken affect.

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*

- (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)**

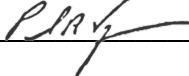
- i. Requesting the Superior Court to remand this matter, in order that it be allowed to re-open with respect to streetlights in the Town of Millis for further proceedings not inconsistent with its position on the extent to which 527 CMR 12 applies to municipal street lighting. **(Tabled)**
- ii. Requesting 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)**

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

2. *Items not reasonably anticipated by the Chair*

There will be no meeting in April. A statutory public hearing and BFPR meeting is tentatively scheduled for May 7, 2020.

A motion was made by Mr. Scheiner, seconded by Mr. Laidler, to adjourn the meeting at 2:12 p.m. The Board voted unanimously on this motion.

Submitted by:  Date: 9/3/2020