

Proposed Changes

This regulation has been re-written:

- 1. for clarity;**
- 2. to delete references to the Construction Materials Safety Board whose function is no longer used and is being deleted in general from the Code;**
- 3. to change from using the Massachusetts Wood Producer's Association as the BBRS agent for qualifying native wood producers to using State Building Inspectors.**

780 CMR 110.R4

LICENSING NATIVE LUMBER PRODUCERS ~~USE OF NATIVE LUMBER~~

780 CMR 110.R4.1 ADMINISTRATION

110.R4.1.1 ~~Item:~~ ~~As authorized by St. 1972, 802, and in accordance with 780 CMR 123 establishing the Construction Materials Safety Board, 780 CMR 110.R4 is adopted for Controlling the Use of Native Lumber.~~ **Scope:** The provisions of this chapter shall govern the licensing of native lumber producers.

110.R4.1.2 Definitions: ~~Unless otherwise expressly stated in 780 CMR, the following terms shall, for the purpose of 780 CMR 110.R4, have the meaning indicated in 780 CMR 110.R4.1.2.~~ **The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.**

BBRS: State Board of Building Regulations and Standards

~~Board:~~ ~~Construction Materials Safety Board~~

Native Lumber: Native lumber is wood processed in the Commonwealth of Massachusetts by a mill registered in accordance with the regulations of the BBRS. Such wood is ungraded but is stamped or certified in accordance with the requirements of 780 CMR 2303.1.1. For the purpose of this definition, native lumber shall be restricted to use in one-and two-story dwellings, barns, sheds, agricultural and accessory buildings and structures and other uses as permitted by 780 CMR 23.

Person: Individual, partnership, corporation, trust, joint venture, etc.

~~Wood Producers~~ Native Lumber Producers:

Persons or corporations in the business of milling wood into native lumber within the Commonwealth of Massachusetts.

110.R4.1.3 ~~Registrations:~~ No person shall engage in the producing of native lumber for use in buildings or structures within the Commonwealth of Massachusetts unless registered by the BBRS.

110.R4.1.4 Application for Registration: Each person desiring ~~to obtain~~ registration as a wood producer of native lumber shall ~~make application~~ **apply and** ~~to the BBRS upon such form and in such manner as the BBRS shall prescribe and shall furnish evidence satisfactory to the BBRS that he is qualified to be registered in accordance with 780 CMR 110.R4.~~ **Qualification requirements shall be provided by the BBRS with the application form.**

110.R4.1.5 Application Registration Fee: Applications shall be accompanied by a registration fee of \$50.00. This initial registration fee shall be **valid** for two years. ~~Registration shall be reviewed every two years in accordance with 780 CMR R4. The fee thereafter for a two year renewal shall be \$25.00.~~

780 CMR: STATE BOARD OF BUILDING REGULATIONS AND STANDARDS

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110.R4.1.6 Renewals: Registration ~~shall be valid for two years and shall be renewed every two years biennially.~~ Within 30 days before the expiration date of any such registration, ~~the Administrator of the BBRS shall forward to each person so registered an application form for renewal. The said Executive Director, upon~~ **Upon** receipt of the completed form and fee, **BBRS** shall renew the registration for a period of two years or notify ~~such applicant of his refusal with reasons thereof.~~ **the applicant of reasons for refusal.** Any application for renewal of registration which has expired shall require the payment of a new registration fee.

110.R4.1.7 Pre-qualifying Agency Agent: ~~The BBRS hereby designates the Massachusetts Wood Producers' Association as its pre-qualifying agency, providing, however, that the BBRS may revoke such designation at any time and may designate any other agency or agencies which it deems qualified, from time to time, to act as its pre-qualifying agency for pre-examination registration.~~ **State Inspectors of the Department of Public Safety shall act as agents of the BBRS's to inspect native lumber producing facilities. Upon receipt of a completed application, the State Inspector shall inspect the facility for compliance with the required qualifications and make a recommendation to the BBRS .**

110.R4.1.8 Penalties: Any ~~such~~ person who fails to comply with the requirements of 780 CMR 110.R4 or who ~~files a false report~~ **falsifies an application** shall be subject to the penalties and actions as prescribed in 780 CMR 118.0.

780 CMR 110R.4.2 REGISTRATION STAMP

110.R4.2.1 Stamp: Each person registered by the BBRS shall be issued a **specific** name and number for use in stamping or certifying the native lumber which he produces.

110.R4.2.2 Stamp Contents: Each stamp ~~filed with the BBRS~~ shall be a minimum of two inches

by four inches with a minimum of 36 pt. letters and shall contain the following information:

- a. Name of native lumber producer;
- b. Registration number; and
- c. Species of wood.

110.R4.2.3 Stamp Use: Each piece of native lumber produced shall bear the **producer's** stamp ~~so registered with the BBRS.~~

110.R4.2.4 Stamp - Unlawful Use: ~~Each registered mill shall be assigned an individual number. It shall be unlawful to use such registration number in any mill other than the mill so registered.~~ **It shall be unlawful to use a stamp registered for a specific mill at any other mill.**

110.R4.2.5 Stamp - Manufacture: Each producer shall be responsible for ~~having~~ **obtaining** stamps made ~~the manufacture and~~ **for their** use of his stamp in accordance with the requirements of the BBRS and 780 CMR 110.R4.

780 CMR 110.R4.3 REVOCATION AND SUSPENSION PROCEDURES

110.R4.3.1 Revocation and Suspension: The BBRS on its own initiative or upon the recommendation of the ~~Construction Materials Safety Board~~ **State Inspector** may suspend or revoke the registration of any such mill registered in accordance with 780 CMR 110.R4, 780 CMR or the standards of good practice. Notice of suspension or revocation of such registration shall be in writing with the reasons for suspension or revocation clearly set forth therein, and served in accordance with 780 CMR 118.6.

110.R4.3.2 Notice and Conference: Prior to suspension or revocation of the registration of any such mill so registered, written notice of such intent shall be served by the ~~Construction Materials Safety Board~~ **State Inspector** in accordance with 780 CMR 118.6. Within ten calendar days of receipt of such notice, the affected mill may request a conference with the **State Inspector** ~~before a three member panel designated by the Chairman of~~

~~the Construction Materials Safety Board, who will hear facts and make recommendations to the BBRS, and make their recommendations to the Construction Materials Safety Board.~~

110.R4.3.3 Effect of: Upon suspension or revocation of the registration of any such mill so registered, such mill shall immediately cease engaging in the stamping or certifying of native lumber. The filing of an appeal with the State Building Code Appeals Board shall stay such suspension or revocation subject to 780 CMR 122.3.2.

780 CMR 110.R4.4 APPEALS

110.R4.4.1 Building Code Appeals Board: Anyone aggrieved by the decision of the **State**

Inspector, BBRS, ~~the Construction Materials Safety Board, the Massachusetts Wood Producers' Association or others may appeal to the State Building Code Appeals Board in accordance with 780 CMR 122.0.~~

~~**780 CMR 110.R4.5 QUALIFICATION**~~

~~**R4.5.1 Evaluation:** Evaluation by the pre-qualifying agency shall be required prior to registration of a mill subject to 780 CMR R4. The agency shall examine and evaluate the application of all mills and make its recommendations to the Construction Materials Safety Board. The Construction Materials Safety Board shall make its recommendations to the BBRS who shall act on the application of the mill so requesting registration.~~