



MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

TERRENCE M. REIDY
SECRETARY

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Board of Boiler Rules

P.O. Box 1025 ~ State Road

Stow, Massachusetts 01775

(978) 567~3780 Fax: (978) 567~3199

www.mass.gov/dfs



JON M. DAVINE
STATE FIRE MARSHAL

EDWARD S. KAWA JR
CHAIRMAN

Minutes
Board of Boiler Rules
Department of Fire Services
One State Road, Stow, MA 01775
Meeting of November 7, 2024

Meeting called to order by the Chairman, Ed Kawa, at 10:11 A.M. The Chairman opened this meeting of the Board of Boiler Rules, explaining that in accordance with M.G.L. Chapter 146 Section 3, the Board is holding a public hearing to hear petitions to make changes to 522 CMR, as well as conducting a regular meeting. Please note, in accordance with the Massachusetts Open Meeting Law, this public meeting is being recorded for purposes of generating meeting minutes. By continuing to participate in or attend this meeting, you consent to the recording. If you do not wish to be recorded, please exit the meeting now.

1) Attendance

Board Members Present:

Edward Kawa, Chairman
Charles Perry, Boiler Manufacturers
Anthony Lucia, Operating Engineers
Douglas Smiley, Insurance Companies
Max Greig, User Group

Board Members Not Present:

None

DFS Staff Present:

Jon Davine, State Fire Marshal
Rachel Perlman, DFS
Dan Laperle, DFS

Kevin Busch, DFS
Holly Bartlett, DFS

Attendees Present:

Leah Francis, Liberty Mutual
Stephen Kapnis, CNA
Maria Iraheta, CNA
Mike Robillard, Somp

Chris Hastings, Chubb
Jena Taubert, Chubb
Dan Lynch, ISB
Dennis O'Brien, BioMed Realty

- 2) Hearing of Petitions for Changes to 522 CMR: The Chairman asked if there was anyone present who would like to present proposed changes to 522 CMR. Hearing none, the Chairman said he would keep the 'hearing' open for one hour, while the rest of the meeting is conducted.
- 3) Minutes from previous meetings: The minutes from the previous meetings held on September 5, 2024, were reviewed. ***Motion to approve the minutes made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous vote.***
- 4) Petitions for inspectional considerations: The following requests for extension of the inspectional requirement received since the last regular meeting in September were entered into record:
 - a. Reworld SEMASS, request dtd September 3, 2024, for a 2-month extension of the inspectional requirement for MA071700A
 - b. Patriot Beverages, request dtd September 6, 2024, for a 3-month extension of the inspectional requirement for MA065564 (Request withdrawn by Patriot Beverages)
 - c. Broad Institute of MIT and Harvard, request dtd September 24, 2024, for a 6-month extension of the inspectional requirement for MA118094, MA118095, MA118096 and MA176933
 - d. Bishop Stang High School, request dtd September 13, 2024, for a 6-month extension of the inspectional requirement for MAS015564 and MAS015565
 - e. Blue Triton Brands, request dtd October 13, 2024, for a 1-month extension of the inspectional requirement for MA211009
 - f. Entegris, Inc., request dtd October 29, 2024, for a 6-month extension of the inspectional requirement for MA221108 and MA221109

Motion to approve these extensions as read made by Charlie Perry, seconded by Anthony Lucia; motion passed by unanimous vote.

- 5) Variance Request – Biomed Realty, 601 Congress Street (Continued from last meeting): Dennis O'Brien, BioMed Realty, addressed the Board, reminding members that in a recent inspection by the insurance company, it was identified that there is only one means of egress from the boiler room, which resulted in several Inspection Work Orders being written. The reason for the request for a variance is that three of the four walls of the boiler room are exterior walls at a high elevation and are constructed of glass. He pointed out that there were multiple AHJs involved in the process of obtaining a Certificate of Occupancy. He read two letters, one from Captain D. Fall, Massport Fire-Rescue, and one from Scott Padden, State Plumbing and Gas Inspector, both of which provided language in support of the variance request. The Chairman asked Mr. O'Brien to clarify who would respond to fire/emergency at this location; Mr. O'Brien explained that Boston Fire would respond, and that the property on Congress Street is a 'ground-lease' from Massport. Charlie Perry asked about the fourth (non-glass) wall; Mr. O'Brien explained that interior access to/from the boiler room is on this wall. He also described all the safety features installed in the boiler room. ***Motion made by Anthony Lucia to approve the Variance, as requested, seconded by Doug Smiley; motion passed by unanimous vote.***
- 6) Review of Proposed Changes to 522 CMR (Continued from last meeting): The Chairman explained that these proposed changes were presented to the Board in May:
 - a. 7.04(8): Riveted Air Tank Construction (Lowest Factor of Safety): He explained that the Board had tabled this discussion in order to have time to review applicable code. ***Motion made by Anthony Lucia to accept the proposed language as presented, seconded by Charlie Perry; motion passed by unanimous vote.*** The Chairman explained that these petitions are to

make changes to 522 CMR, and that the Board will consider these proposed changes when doing their periodic review of the regulation.

- b. 4.03(2): Responsibility of an R Stamp Holder: Dan Lynch/Quality Control Manager, ISB had made this proposal, so the Chairman asked him to address the Board. Mr. Lynch is looking for clarification on whether an Engineer in Charge is responsible for air tanks located in the mechanical space. He also pointed to the requirements in MGL c. 146 s. 33 providing for punishment for violation of sections 5 – 32 or the rules of the Board. He pointed out that the somewhat outdated language can be an ineffective motivator to compel owner/users to comply. The Chairman explained that beyond this possible criminal fine, equipment found to be either in disrepair or if there was a repair that did not meet code requirements, the State has the authority to enforce 522, and to shut down a boiler if necessary. So, beyond the \$500 maximum penalty in c. 146 s 33, the owner/user could lose authorization to operate the equipment. Mr. Lynch asked about the obligation or requirement for an R Stamp holder to report. The Chairman responded that the obligation to report for an R Stamp holder is no different than for any other person, and that the accreditation through the National Board for R Stamp authority does not provide for an obligation to report. Following brief discussion, Dan Lynch agreed to withdraw his petition.
- c. Deaerators: The Chairman reminded the Board members about a third petition that was received, to add language regarding non-destructive examination and inspection of deaerators. DFS continues to research information related to this matter, and will present to the Board at a later date.
- 7) Updates from DFS Staff: The Chairman introduced DFS District Inspector Kevin Busch, and pointed out that Kevin recently completed his National Board IS Commission Exam to receive his National Board Commission. The Chairman also pointed out that DFS is working to fill the vacancy of the District Inspector for District 1.
- 8) Matters not reasonably anticipated: None
- 9) Adjournment of Meeting: The hearing will remain open for one hour. The next meeting will be determined. ***Motion to adjourn the meeting made by Anthony Lucia, seconded by Charlie Perry; motion passed by majority vote, regular meeting adjourned at 10:46AM.***

***** The Chairman closed the public hearing at 11:30 AM *****

List of Documents/Exhibits Used at this Meeting

- i) Minutes, Board Meeting on September 5, 2024
- ii) Extension Requests
 - (1) Reworld SEMASS
 - (2) Patriot Beverages
 - (3) Broad Institute of MIT and Harvard
 - (4) Bishop Stang High School
 - (5) Blue Triton Brands
 - (6) Entegris
- iii) Variance Request – BioMed Realty / Supporting Documents
- iv) Letter from Captain D. Fall, Massport Fire-Rescue
- v) Letter from Scott Padden, State Plumbing and Gas Inspector
- vi) Proposed Changes to 522 CMR