



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



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CHAIRMAN

Minutes
Board of Boiler Rules
Department of Fire Services
One State Road, Stow, MA 01775
Meeting of October 1, 2020

Meeting called to order by the Chairman, Ed Kawa, at 10:13 A.M. The Chairman opened this regular meeting of the Board of Boiler Rules, explaining that it is being held in accordance with M.G.L. Chapter 146 Section 3. He explained that per the Governor’s Emergency Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, s.20, this meeting will be conducted via video-conference. He asked that participants keep their microphones set to ‘MUTE’ during the meeting.

1. The Chairman then asked that members present identify themselves, and indicate whom they represent as Board members:

Board Members Present:

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

**The Chairman took a moment to welcome Max Greig as member of the Board of Boiler Rules*

DFS Staff Present:

Peter Ostroskey, Fire Marshal	Dan LaPerle, DFS
Glenn Rooney, DFS, Board Counsel	Bob Vasconcelos, DFS
Paul Vigneau, DFS	Holly Bartlett, DFS

Attendees Present:

* The Chairman asked that attendees please identify themselves, and with whom they are affiliated:

Glenn Robinson, HSB	Erica Daigneault, FM Global
Mike Robillard, Chubb	Leon Dunham, Liberty Mutual
Christian Beisel	Tom Dorazio
Philip Bernier	Rick Gillis, Liberty Mutual

2. Minutes from previous meetings: The minutes from the previous meeting held on September 19, 2019, were reviewed. ***Motion to approve the minutes made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous vote.***
The minutes from the previous hearing held on November 7, 2019, were reviewed. ***Motion to approve the minutes made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous vote.***
The minutes from the previous hearing held on May 7, 2020, were reviewed. ***Motion to approve the minutes made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous vote.***
3. Update on COVID-19 State of Operations for Boiler Inspection Program: The Chairman informed the Board that since the Governor's declaration of a State of Emergency on March 10, 2020, several Executive Orders have been issued that affected the expiration dates of Certificates of Inspection, and the expiration date of certain professional trade licenses that are issued by DFS. Order #18, March 26, allowed for extension of certificates of inspection that expired on or after March 26 to remain valid for up to 90 days following termination of the State of Emergency. Operators who contact BPV regarding this were advised to contact their insurance provider once the State of Emergency was lifted to schedule the over-due inspection in a timely manner within the 90 days. Order #9, March 28, allowed for trade license issued by DFS that would expire on or after this date to remain valid for 90 days following termination of the State of Emergency; during this time BPV continued to send renewal notices to license holders, and process all renewals that were received. Order #41, June 26, rescinded the previous two orders effective July 10. Any certificates or licenses with expiration dates that had been extended under Order #18 or Order #9 would remain valid until October 1, 2020.
4. Petitions for inspectional considerations: The following requests for extension of the inspectional requirement were entered into record:
 - a. Rentschler Biopharma, request dated September 10, 2020, for a 1-month extension of the inspectional requirement for MA 140769 and MA183605.
 - b. Newton Wellesley Hospital, request dated August 21, 2020, for a 5-month extension of the inspectional requirement for MA215084, MA215085 and MA230703.
 - c. Acorda Therapeutics, request dated September 1, 2020, for a 2-month extension of the inspectional requirement for MA104377 and MA104378.
 - d. Biogen Cogeneration Facility, request dated September 1, 2020, for a 6-month extension of the inspectional requirement for MA118140.
 - e. Wheelabrator North Andover, request dated July 23, 2020, for a 3-month extension of the inspectional requirement for MAS064280.
 - f. Beverly Hospital, request dated July 15, 2020, for a 1-month extension of the inspectional requirement for MANB234700. ****This request has been withdrawn, the boiler has been inspected as required.****
 - g. Onyx Specialty Papers, request dated June 5, 2020, for a 5-month extension of the inspectional requirement for MA204610 and MA204611.
 - h. MCI – Shirley, request dated February 27, 2020, for a 6-month extension of the inspectional requirement for MA113510.
 - i. Greif (Formerly Caraustar), request dated March 11, 2020, for a 6-month extension of the inspectional requirement for MA206668.
 - j. Center for Life Science, request dated March 24, 2020, for a 6-month extension of the inspectional requirement for MA139327, MA139356, MAM051094 and MAM0510095.
 - k. ANP Blackstone, request dated November 27, 2019, for a 6-month extension of the inspectional requirement for MA068631.
 - l. F.B. Washburn Candy, request dated December 11, 2019, for a 6-month extension of the inspectional requirement for MA039372A, MA039374 and MA174567.

- m. Northeast Energy Associates, request dated November 12, 2019, for a 2-month extension of the inspectional requirement for MA069865, MA069866, MA069867 and MA069868.
- n. MCI Framingham, request dated September 19, 2019, for a 6-month extension of the inspectional requirement for MA054137 and MA054141,
- o. Nasoya Foods, request dated October 18, 2019, for a 2-month extension of the inspectional requirement for MA068287A.
- p. Wheelabrator Millbury, request dated September 10, 2019, for a 1-month extension of the inspectional requirement for MAS065454 and MAS065455.
- q. Wilkinson Mobile Boilers, request dated September 6, 2019, for a 2-month extension of the inspectional requirement for MA001567.

Motion to ratify the approval of these requests made by Charles Perry, seconded by Anthony Lucia; motion passed by unanimous vote.

- 5. Requests for Extension submitted in response to COVID-19 Executive Orders: Operators at 59 facilities notified BPV that they would need to postpone certificate inspections per the provisions of COVID-19 Order #18. BPV acknowledged each of these notice, and advised the operators to contact their insurance providers to have the inspection completed once the State of Emergency is terminated. The Chairman read the list of those facilities that responded to Order #18. ***Motion to enter these notices into record made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous vote.***
- 6. Request for Clarification on ASME Section IV and CSD-1: The Chairman explained that he had received two e-mails from Glenn Robinson, HSB, and he read the e-mails to the Board members for the record. The first e-mail, dated 11.20.2019, was regarding CSD-1 CW-120 Requirements for Water Level Controls for Low Pressure Steam or Vapor System Boilers. And the second, dated 6.23.2020, was regarding CSD-1, with specific questions on a commissioned inspector’s actions related to Part CG-500 and Part CM-100. The Chairman referenced a document compiled by DFS staff which provides suggested discussion questions, background information, and reference citations related to these questions. He explained the ‘Hierarchy of Enforcement’ for boiler inspections: M.G.L. Chapter 146 is the highest level of enforcement, followed by 522 CMR, then any codes or standards that the Board has adopted, and any supporting codes.

The Chairman then opened the discussion up to the following questions:

- Does CSD-1 prevail over ASME IV HG-606?
 - Since ASME IV is the construction code, it would prevail if there was a conflict between the two codes. Anthony Lucia asked how it was determined that ASME is higher in the hierarchy over the standards. The Chairman explained that the hierarchy was drafted with the assistance of DFS counsel; Glenn Rooney reiterated that the GL is the top, followed by the regulations, followed by adopted codes and standards.
- Are apartments/condominiums considered a “residence” for purpose of CSD-1 CW-120 applicability?
 - The exemption referred to applies to low-pressure steam boilers which need to have two low-water cutouts, but there is an exemption that only one is needed if the boiler is a gravity-return system in a residence. The Chairman pointed out that MGL Chapter 146 Section 7 provides for exemption from the inspection requirement for residences. The original request for clarification pointed to the fact that there is no definition of ‘residence’ in 522 CMR. Anthony Lucia asked if the Board should include a definition of residence in the regulation. Charles Perry asked if it would be appropriate to send out a letter of interpretation to show

that the Board is basing the decision on the section from Chapter 146. The Chairman agreed.

- 522 CMR 2.04 – If there is evidence of mechanical repairs, which are not documented on a BPV-022, does this constitute a certificate blocking condition?
 - The Chairman reviewed the reporting requirements for repair of BEP (boiler external piping). He also explained that a deficiency in the actual repair could constitute a certificate-blocking violation, not necessarily lack of a completed form documenting the repair. However, it would be appropriate to note lack of a completed form as a non-certificate blocking violation.
- Does replacement of a safety valve where the replacement safety valve is properly rated, constitute a mechanical repair requiring a BPV-022 form?
 - Yes, the purpose of the BPV-022 is to document that the work was done in accordance with applicable standards.
- CSD-1 Part CG – is it incumbent on the inspector to verify compliance with CG-500. Would this constitute a certificate blocking condition?
 - The GC 500 Installing contractors report shall be part of the required maintenance records. Yes, the certificate should be blocked if both the installer’s report and the manufacturer’s report are not available for review.
- CSD-1 Part CM – does the absence of a written maintenance record constitute a certificate blocking condition?
 - The Chairman explained that the mere absence of a written maintenance record would not be a certificate blocking condition, and a non-certificate blocking violation should be issued directing the operator to establish proper maintenance records. Leah Francis asked what would compel owner/users to comply with a non-certificate blocking violation. The Chairman explained that continued non-compliance with non-certificate blocking violation could subsequently result in certificate blocking violation.
- CSD-1 Part CM – does DFS intend to address/clarify CM-120 as relates to a qualified individual as defined in CG-700?
 - The Chairman had Supervisor Dan Laperle read CG-700, clarification of what a qualified individual is. And suggested that there is no need to further define ‘qualified individual’.
- CSD-1 Part CM – is the fulfillment of CM-130 an acceptable alternative to witnessing the testing of controls & protective devices referenced in NBIC?
 - The Chairman had Dan Laperle read CM-130. The Chairman explained that the Board expects every owner/user to adhere to manufacturer’s requirements for equipment that they have installed. If testing is required by the manufacturer, than the owner/user must ensure that this is done. The question is that there is no requirement in 522 that the inspector actually witness the testing, but there must be evidence that testing has been completed as required.

The Chairman will have DFS staff draft response to these questions for review at the next Board meeting.

7. 522 Committee, Review of Adopted Codes and Standards: The Chairman explained that since 522 was last promulgated, new editions of the standards adopted in 1.03 have been published. He asked for a motion to task the 522 Committee conduct a review of the current standards, and report to the Board recommendations. ***Motion to task the 522 Committee with this review/report made by Charlie Perry, seconded by Anthony Lucia; motion passed by unanimous vote.***

8. Enhancements to Jurisdiction Online, Public Portal: The Chairman explained that the software we use reporting of invoicing and issuance of certificates is currently being enhanced to include an on-line portal to pay invoices on-line, and a public portal to access equipment lists of locations on record.
9. Matters not reasonably anticipated: The Chairman asked the Board if there were any other matters that should be addressed at this time; there were no replies.
10. Adjournment: The Chairman explained that the next meeting of the Board is the statutory meeting on Thursday, November 5. ***Motion to adjourn this meeting made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous vote, meeting adjourned at 11:34 AM.***

List of Documents/Exhibits Used at this Meeting

- a. Minutes from meeting on September 19, 2019
- b. Minutes from hearing on November 7, 2019
- c. Minutes from hearing on May 7, 2020
- d. Extension Requests:
 - i. Rentschler Biopharma
 - ii. Newton Wellesley Hospital
 - iii. Acorda Therapeutics
 - iv. Biogen Cogeneration Facility
 - v. Wheelabrator North Andover
 - vi. Beverly Hospital
 - vii. Onyx Specialty Papers
 - viii. MCI – Shirley
 - ix. Greif (Formerly Caraustar)
 - x. Center for Life Science
 - xi. ANP Blackstone
 - xii. FB Washburn Candy
 - xiii. Northeast Energy Associates
 - xiv. MCI – Framingham
 - xv. Nasoya Foods USA
 - xvi. Wheelabrator – Millbury
 - xvii. Wilkinson Mobile Boiler
- e. List of Extension Notices in response to Order #18
- f. Request for Clarification of ASME Section IV and CSD-1
- g. DFS Staff Input RE: Request for Clarification