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*The Commonwealth of Massachusetts*  
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*Board of Boiler Rules*

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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 September 5, 2024**

Meeting called to order by the Chairman, Ed Kawa, at 10:04 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 conducting a regular meeting. This meeting is being recorded.

1) Attendance

Board Members Present:

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

Board Members Not Present:

None

DFS Staff Present:

Jon Davine, DFS  
Rachel Perlman, DFS

Dan Laperle, DFS  
Holly Bartlett, DFS

Attendees Present:

Glenn Robinson, HSB  
Stephen Kapnis, CNA  
Yu Shen, CNA  
Maria Iraheta, CNA  
Chris Fialkowski, FM Global  
Leah Francis, Liberty Mutual

Mike Robillard, Somp International  
Kayla Inouye, Cincinnati  
Chris Hastings, Chubb  
Dennis O'Brien, Biomed Realty  
James Royal, Biomed Realty

- 2) Minutes from previous meetings: The minutes from the previous meeting held on June 6, 2024, were reviewed. ***Motion to approve the minutes made by Anthony Lucia, seconded by Charlie Perry; motion passed by unanimous vote.***
- 3) Petitions for inspectional considerations: The following requests for extension of the inspectional requirement received since the last regular meeting in April were entered into record:
- a) Precix, Inc, request dtd June 26, 2024, for a 1-month extension of the inspectional requirement for MAS185858
  - b) Aberjona Nursing Home, request dtd July 11, 2024, for a 1-month extension of the inspectional requirement for MAW098360 and MAW062117
  - c) Lahey Hospital and Medical Center, request dtd July 29, 2024, for a 1-month extension of the inspectional requirement for MA188368

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

- 4) Variance Request – BioMed Realty (BMR): The Chairman stated that a variance request had been received from BioMed Realty, 601 Congress Street, for variance from 522 CMR 1.03, Standards Adopted, and 2019 NBIC Part 1, 1.6.3, Exits. The request is in response to a code violation identified during an inspection in which it was noted that there are not two means of exit in the equipment room. The Chairman then gave Dennis O’Brien from BioMed Realty the opportunity to address the Board regarding this request. Mr. O’Brien explained that the reason for the variance request is that three of the four walls of this mechanical space are perimeter walls made of glass on a high elevation within the building. The Chairman asked Mr. O’Brien about the design of the mechanical room, and what other equipment is there. Mr. O’Brien explained that this building was redeveloped from office space to lab space, and that the mechanical room is on the 14<sup>th</sup> floor with freight and passenger elevator access restricted to people with the proper badge. Max Greig asked whether the fire department has, or local officials have, weighed in on this matter. Mr. O’Brien replied that the Massport Fire Department has not raised any concerns, and that they were present with all the walk thrus and final inspections, and issued the CofO for the building. Doug Smiley asked where the existing egress is in the mechanical space. Mr. O’Brien has a drawing that he will forward to share with the Board showing the layout of the space. The Chairman then suggested that this request be tabled until the Board can review the drawing, and asked that Mr. O’Brien reach out to Massport Fire for comments from them so there is not conflicting enforcement regarding this requirement. Mr. O’Brien said he would, and that if the Board members want to visit the site, he could accommodate that. With that, the Chairman said that this matter will be continued at the next Board meeting in November.
- 5) Review of Proposed Changes to 522 CMR: Three petitions for changes to 522 CMR were entered into record at the May 2024 meeting if the Board of Boiler Rules. The Board will begin discussion regarding two of these proposed changes at this meeting.
- a) 7.04(8): Riveted Air Tank Construction (Lowest Factor of Safety) The Chairman acknowledged that Mike Robillard (Sompo International), who originally submitted this proposal, is in attendance at this meeting, and asked that he re-state the reason for this petition. Mr. Robillard asked the Board to consider whether language regarding riveted air tank construction is still relevant, pointing out that any riveted tanks that are still in service are probably at least 80 years old. Also, he mentioned the last time language regarding

riveted tank construction was included in the ASME code was around 1940, adding that if this language is no longer relevant, removal from 522 be considered. Charlie Perry asked for more time to review the relevant codes. The Chairman pointed out that this section of 522 deals with when a determination is made that the integrity of an existing riveted air tank is compromised, and that non-destructive examination must be performed to determine if the maximum allowable working pressure needs to be re-calculated using the Lowest Factor of Safety values listed in 7.04(8). The Chairman stated that consideration of whether to change this section such that the only Lowest Factor of Safety value is 6, or to remove this section will be tabled until there is more information available to the Board.

- b) 4.03(2): Responsibility of an R Stamp Holder The proposal to add language to 4.03(2) that would state the requirements of an R-Stamp Holder was made by Dan Lynch (ISB), who is not in attendance at today's meeting. The Chairman explained that this proposal is to add language to the regulation that would identify what the responsibilities of an R Stamp holder are. Since the Board adopts the NBIC, and the responsibilities of an R Stamp holder is with their accreditation with the National Board, so there wouldn't need to be any additional Mass. amendments. But the Chairman suggested that the Board possibly consider adding language that re-states some of that responsibility. He suggested that this matter be tabled, so that such additional language can be researched, Charlie Perry agreed with this.
- 6) Updates from DFS Staff: The Chairman announced that DFS Inspector Bob Schultz retired recently, DFS is working to fill this vacancy.
- 7) Matters not reasonably anticipated: None
- 8) Adjournment of Meeting: The next meeting will be on Thursday, November 7, 2024, and will be held in-person in Stow. ***Motion to adjourn the meeting made by Anthony Lucia, seconded by Charlie Perry; motion passed by majority vote, regular meeting adjourned at 10:35AM.***

#### List of Documents/Exhibits Used at this Meeting

- a. Minutes, Board Meeting on June 6, 2024
- b. Extension Requests
  - i. Precix, Inc.
  - ii. Aberjona Nursing Home
  - iii. Lahey Hospital and Medical Center
- c. Variance Request
  - i. 2021 ASME Sec IV
  - ii. 2021 NBIC Part 1, Section 3
  - iii. 2021 CSD-1