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NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT

Pursuant to Massachusetts General Laws c. 30A, s. 2; c. 22, s. 10A; and c. 146, s. 82, the Bureau of Pipefitters, Refrigeration Technicians and Sprinkler Fitters will hold a public hearing regarding amendments to regulations 528 CMR 2.00, 3.00 and 11.00, which establish licensing requirements for pipefitters, refrigeration technicians and sprinkler fitters. **The hearing will be held at 9:30 a.m. on Tuesday, January 23, 2024.** in person at the Division of Occupational Licensure, 1000 Washington Street – Room 1D, Boston, Massachusetts 02118 and by videoconference at <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>, Meeting ID: 257 249 666 227, Passcode: 3XXkxM, or call in to (857) 327-9245, Phone Conference ID: 938 800 959#. Interested parties will be given an opportunity to present testimony orally or in writing at the hearing. Written comments may be emailed to martin.edwards@mass.gov or mailed to the Bureau of Pipefitters, Refrigeration Technicians and Sprinkler Fitters, 1000 Washington Street, Suite 710, Boston, Massachusetts, 02118, Attention: Martin Edwards. A copy of the proposed amendments to the Bureau's regulations may be obtained at the Bureau's website at [Bureau of Pipefitters, Refrigeration Technicians, and Sprinkler Fitters | Mass.gov](#) or by contacting Mr. Edwards at Phone (617) 701-8752. The Bureau will also accept written comments regarding the regulations until 5:00 p.m. on Tuesday, January 23, 2024. **THE REGULATIONS ARE BELOW WITH PROPOSED AMENDMENTS HIGHLIGHTED.**



528 CMR: BUREAU OF PIPEFITTERS, REFRIGERATION TECHNICIANS AND SPRINKLER FITTERS

528 CMR 2.00: PURPOSE, SCOPE AND DEFINITIONS

Section

2.01: Purpose and Scope

2.02: Definitions

2.01: Purpose and Scope

- (1) 528 CMR 2.00 is promulgated pursuant to M.G.L. c. 146, § 82, for the examining and licensing of fire sprinkler contractors, pipefitters, refrigeration technicians and sprinkler fitters.

2.02: Definitions

Pursuant to M.G.L. c. 146, § 81, the following words and terms, when used in 528 CMR shall have the following meanings:

ANSI. American National Standards Institute.

Apprentice Pipefitter. A person who is registered with the Department of Labor Standards and Workforce Development and is learning or working at the business of pipefitting under the direct supervision of a master or journeyman pipefitter.

Apprentice Sprinkler Fitter. Any person other than a fire sprinkler system contractor or a sprinkler fitter who is presently engaged in both learning and assisting in the work being performed on any sprinkler system, and who must be employed by a licensed fire sprinkler contractor and must work under the direct supervision of a fire protection sprinkler contractor or journeyman sprinkler fitter.

Approved School. A refrigeration, pipefitter, or sprinkler fitter course that has been reviewed and approved by the Division to supply requisite classroom course or shop hours to an applicant prior to being admitted for a license examination.

ASHRAE. American Society of Heating, Refrigerating and Air Conditioning Engineers.

ASME. American Society of Mechanical Engineers.

ASTM. American Society for Testing and Materials.

Boiler External Piping (BEP). The terminal points and piping external to power boilers as defined and illustrated in ANSI/ASME B 31.1 Pressure Piping. The installation, replacement, or repair of BEP shall be performed by a licensed pipefitter and it shall be the responsibility of the contractor to adhere to and maintain the proper ASME and National Board Code integrity while performing BEP pipefitting work.

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Boiler, Heating. A steam boiler for operation at pressures not exceeding 15 psi or a hot water heating boiler or hot water supply boiler for operating at pressures not exceeding 160 psi and/or temperatures not exceeding 250°F at or near the boiler outlet.

Boiler, Power. A boiler in which steam or other vapor is generated at a pressure of more than 15 psig for use external to itself or a high-temperature water boiler intended for operation at pressures exceeding 160 psig and/or temperatures exceeding 250°F.

Bureau. Bureau of Pipefitters, Refrigeration Technicians and Sprinkler Fitters.

Category D Fluid Service. A Fluid Service for Process Piping in which all of the following apply:

- (a) the fluid handled is nonflammable, nontoxic, and not damaging to human tissues as defined in ANSI/ASME B 31.3 Process Piping;
- (b) the design gage pressure does not exceed 150 psi; and
- (c) the design temperature is from -20°F through 366°F.

Category M Fluid Service. A Fluid Service for Process Piping in which the potential for personnel exposure is judged to be significant and in which a single exposure to a very small quantity of a toxic fluid, caused by leakage, can produce serious irreversible harm to persons on breathing or bodily contact, even when prompt restorative measures are taken.

Chief. The Chief of the Office of Public Safety and Inspections within the Division of Occupational Licensure.

Commissioner. The Commissioner of the Division of Occupational Licensure.

DAS. The Division of Apprentice Standards.

Data Report. An ASME report form that documents that all ASME Code requirements have been met.

Division. Division of Occupational Licensure.

Fabrication. The joining of Piping components into integral pieces ready for assembly, which shall include bending, forming, threading, welding, or other operations upon these components, if not part of assembly. The work defined under 528 CMR 2.00 shall only apply to on-site field production.

Fire Protection Sprinkler System. A fire sprinkler system, for fire protection purposes, the work of the sprinkler fitter and apprentice shall consist of the installation, service, testing, maintenance and inspection of all fire protection and fire control systems, including both overhead and underground water mains, fire hydrants and hydrant mains, standpipes and hose connections to

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sprinkler systems, sprinkler tank heaters, air lines and thermal systems, hot water fire protection systems, standpipes connected to sprinkler systems and pumps dedicated for fire protection.

Fire Protection Sprinkler System Contractor's License. The license issued by the Division to a fire protection sprinkler system contractor upon his or her application being approved, the fee being paid, and the satisfactory completion of the requirements of 528 CMR 11.04: Sprinkler System Licensing. The license shall be issued in the name of the fire protection sprinkler system contractor and the name of the license holder noted thereon.

Fire Protection Sprinkler Systems Contractor. A person, firm, or organization that offers to undertake the execution of contracts, the preparation of technical drawings, sale, installation, alteration, modification, service, testing, inspection, maintenance, removal and repairing of any such system or any part of such system.

Fluid Service. The combination of fluid properties, operating conditions, and other factors that establish the basis for design of the piping system and requirements for a specific classification of pipefitter license to perform Pipefitting work.

High Pressure Fluid Service. A Fluid Service for which the owner specifies that the design of the Piping systems are per the rules for High Pressure Piping per ANSI/ASME B 31.3 Process Piping, Chapter IX.

Installation. The handling, moving or locating of any apparatus, device, equipment or material referring to the pipefitting, refrigeration, or sprinkler fitter industry. This does not mean to refer to the final placement for hook up, but refers to any stage of the handling of said above equipment or material to where the final location may be for the piping of the equipment.

Journeyman Refrigeration Technician. Any person who has completed an apprenticeship training program satisfactory to the Bureau, and who has successfully passed a Refrigeration Technician's examination, and who, by himself or herself, or with other Journeymen Refrigeration Technicians, or with Refrigeration Apprentices does any work in Refrigeration.

License Holder. An individual who has satisfactorily met the qualifications and has received a license from the Office.

Master Refrigeration Technician/Refrigeration Contractor. A person having a regular place of business, or who by himself or herself, or with other Master Refrigeration Technicians, Journeymen Refrigeration Technicians, or Refrigeration Apprentices in his or her employ, performs Refrigeration work.

NFPA. National Fire Protection Association.

Non-boiler External Piping. Piping covered by ANSI/ASME B 31.1 Pressure Piping except for that portion defined as boiler external piping (BEP).

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Normal Fluid Service. A fluid service pertaining to most process piping covered by ANSI/ASME B 31.3 not subject to the rules for Category D, Category M, or High Pressure Fluid Service.

Office. The Office of Public Safety and Inspections within the Division of Occupational Licensure.

Pipefitting. The installation, repair, replacement, maintenance or alteration of any apparatus for piping appliances, devices or accessories for heating systems having a rating greater than seven hundred thousand British Thermal Units including apparatus and piping for the general use of conveyance of steam and associated pumping equipment, vacuum and pneumatic systems, oil and petroleum products, ice making machinery, air conditioning equipment, piping systems used for the conveyance and storage of Category M liquids, as defined in ANSI/ASME B 31.3 Process Piping and high pressure systems over 150 pound-force per square inch gauge or hazardous industrial type gasses used in processes, biopharma or semi-conductor manufacturing. Pipefitting shall not include sheet metal work, refrigeration systems, and boilers and plumbing as defined under 248 CMR: Board of State Examiners of Plumbers and Gas Fitters promulgated under M.G.L. c. 142, §§ 4 and 13.

Pipefitting Welder. The holder of a license issued by the Bureau who may perform any welding and brazing used as a joining method in a pipefitting application. This license shall not permit the holder to perform any other aspect of pipefitting work other than the joining methods so delineated.

Piping. Assemblies of piping components used to convey, distribute, mix, separate, discharge, meter, control, or snub fluid flows. Piping also includes pipe-supporting elements such as hangers, supports, and structural attachments.

Piping Components. Mechanical elements suitable for joining or assembly into pressure-tight fluid-containing piping systems. Components shall include but not be limited to pipe, tubing, fittings, flanges, gaskets, bolting, valves, and devices such as expansion joints, flexible joints, pressure hoses, traps, strainers, inline portions of instruments, and separators.

Power, Heating and Cooling Piping Pipefitting. Steam, condensate or hot water piping, including apparatus, appliances, devices or accessories for piping, when the rated input capacity of the primary or secondary loop of the heating system is greater than 700,000 Btu's per hour within the scope of ANSI/ASME Pressure Piping, B 31.1 Power Piping, B 31.3 Process Piping, or B 31.9 Building Services; or secondary coolant piping loops in air conditioning and refrigeration systems having a capacity of ten tons or greater for use in industrial, institutional, commercial and public buildings.

Process Piping. Fluid service piping typically found in petroleum refineries; chemical, pharmaceutical, textile, paper, semiconductor, and cryogenic plants; and related processing plants and terminals. Process piping fluids include raw, intermediate, and finished chemicals; petroleum products; gas, air and water; fluidized solids; and cryogenic fluids.

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Process Piping Pipefitting. Pipefitting as enumerated in M.G.L. c. 146, § 81, including Category M fluid service, High Pressure Fluid Service, Normal Fluid Service, and Category D Fluid Service.

Refrigerant. The fluid used for heat transfer in a refrigerating system.

Refrigeration. The installation, repair, replacement, and/or maintenance of any refrigerant-containing part of any refrigerant system of a ten ton capacity or greater.

Refrigeration Apprentice. Any registered person who is working at the business of refrigeration under the supervision of a master refrigeration technician or journeyman refrigeration technician. Refrigeration Apprentice shall have the same meaning as refrigeration trainee referenced in M.G.L. c. 146, §§ 86 and 88.

Refrigeration System. A combination of interconnected parts forming a closed circuit in which refrigerant is circulated for the purpose of extracting, then rejecting heat.

Registered. A person registered with DAS according to the provisions of St. 1941, c. 707.

Secondary Coolant. Any liquid used for the transmission of heat without a change of state in air conditioning and refrigeration systems, and having no flash point or a flash point above 150°F as determined by ASTM D 93.

Sprinkler Fitter/Journeyman Sprinkler Fitter. Any person who has completed an apprenticeship training program satisfactory to the Bureau and who, by himself or herself, or with other Sprinkler Fitters, performs any work in sprinkler fitting subject to inspection under any law, ordinance, by-law, rule or regulation, but does not employ other Sprinkler Fitters.

Sprinkler Fitting. The, installation, alteration, modification, inspection, testing, maintenance, removal and repairing of any Fire Protection Sprinkler System or any part of such system, excluding visual observation where it does not impair the system.

Ton of Refrigeration. In a refrigeration system, the absorption of heat at a rate of 12,000 BTU per hour.

Verification of Course Hours Documentation. A form completed by the director of an approved refrigeration, pipefitting, or sprinkler fitter school detailing and attesting to an applicant's completion of the requisite classroom course and shop hours.

Work on a Fire Protection Sprinkler System. The on-site layout, on-site fabrication, work and practice concerning the construction, installation, alteration or extension of a fire protection sprinkler system, including the modification, repair, removal and initial acceptance testing and inspection, testing, maintenance and service of a fire protection sprinkler system.

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REGULATORY AUTHORITY

528 CMR 2.00: M.G.L. c. 146, §§ 81 and 82.

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528 CMR 3.00: STANDARDS ADOPTED

In accordance with the provisions of M.G.L. c. 146, §§ 82 and 83, the Bureau herewith adopts by reference the edition of the following standards and codes adopted in 780 CMR 35.00: *Referenced Standards*, 780 CMR 101.4: *Referenced Codes*, and 527 CMR 1.00: *Massachusetts Comprehensive Fire Safety Code*. In the event a code or standard adopted herein is subsequently updated, modified, removed, or otherwise superseded by the state building code adopted pursuant to M.G.L. c. 143, § 94 or the Massachusetts Comprehensive Fire Safety Code adopted pursuant to M.G.L. c. 22D and c. 148, only those standards adopted in said codes shall be deemed in effect and enforceable.

ANSI/ASHRAE

Standard 15	Safety Standard for Refrigeration Systems
Standard 34	Designation and Safety Classification of Refrigerants

ANSI/ASME

B31.1	Power Piping
B31.3	Process Piping
B31.4	Pipeline Transportation Systems for Liquid and Slurries
B31.5	Refrigeration Piping and Heat Transfer Components
B31.9	Building Service Piping
BPVC Section IX	Welding and Brazing Qualifications

ASTM

D93	Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester
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NFPA

1	Fire Code
11	Standard for Low-, Medium-, and High-expansion Foam

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13	Standard for the Installation of Sprinkler Systems
13D	Standard for the Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes
13R	Standard for the Installation of Sprinkler Systems in Low-rise Residential Occupancies
14	Standard for the Installation of Standpipe and Hose Systems
15	Standard for Water Spray Fixed Systems for Fire Protection
16	Standard for the Installation of Foam-water Sprinkler and Foam-water Spray Systems
20	Standard for the Installation of Stationary Pumps for Fire Protection
22	Standard for Water Tanks for Private Fire Protection
24	Standard for the Installation of Private Fire Service Mains and Their Appurtenances
25	Standard for the Inspection, Testing, and Maintenance of Water-based Fire Protection Systems
72	National Fire Alarm and Signaling Code (Restricted to Equipment and Devices Installed on a Sprinkler System)
409	Standard on Aircraft Hangars
418	Standard for Heliports
750	Standard on Water Mist Fire Protection Systems

REGULATORY AUTHORITY

528 CMR 3.00: M.G.L. c. 146, §§ 81, 82 AND 83.

528 CMR 11.00: PREREQUISITES FOR EXAMINATIONS FOR PIPEFITTERS,
REFRIGERATION TECHNICIANS, AND SPRINKLER FITTERS

Section

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11.01: Scope of Pipefitting License Classifications

- (1) Unrestricted Pipefitter.
 - (a) Master Pipefitter - Unrestricted (PM-00). A person having a regular place of business or who, by himself or herself, or with other master pipefitters, journeyman pipefitters, or apprentice pipefitters in his or her employ performs any work, including Fabrication, in Power, Heating & Cooling Piping pipefitting, Process Piping pipefitting, or Pipefitting Welding.
 - (b) Journeyman Pipefitter - Unrestricted (PJ-00). A person who has completed an apprenticeship training program satisfactorily to the Bureau and who by himself or herself or with other journeymen pipefitters or apprentice pipefitters in the employ of a Master Pipefitter (PM-00) performs any work, including Fabrication, in Power, Heating & Cooling Piping pipefitting, Process Piping pipefitting, or Pipefitting Welding.
- (2) Power, Heating and Cooling Pipefitter.
 - (a) Master Pipefitter - Power, Heating and Cooling (PM-01). A person having a regular place of business or who, by himself or herself, or with other Master Pipefitters, Journeyman Pipefitters, or Apprentice Pipefitters in his or her employ performs any work, including Fabrication, in Power, Heating & Cooling Piping Pipefitting, or Pipefitting Welding.
 - (b) Journeyman Pipefitter - Power, Heating and Cooling (PJ-01). A person who has completed an apprenticeship training program satisfactorily to the Bureau and who by himself or herself or with other Journeymen Pipefitters or Apprentice Pipefitters in the employ of a Master Pipefitter (PM-00 or PM-01), performs any work, including Fabrication, in Power, Heating & Cooling Piping Pipefitting.

(3) Process Piping Pipefitter.

- (a) Master Pipefitter - Process (PM-02). A person having a regular place of business or who, by himself or herself, or with other Master Pipefitters, Journeyman Pipefitters, or Apprentice Pipefitters in his or her employ performs any work, including Fabrication, in Process Piping Pipefitting, or Pipefitting Welding.
- (b) Journeyman Pipefitter - Process (PJ-02). A person who has completed an apprenticeship training program satisfactorily to the Bureau and who by himself or herself or with other Journeymen Pipefitters or Apprentice Pipefitters in the employ of a Master Pipefitter (PM-00 or PM-02), performs any work, including Fabrication, in Process Piping Pipefitting.

(4) Apprentice Pipefitter (PA). A person who is:

- (a) in a registered apprenticeship program;
- (b) licensed by the Division;
- (c) in the employ of a Master Pipefitter; and
- (d) works under the direct supervision of a duly licensed Journeyman or Master Pipefitter performing Pipefitting within the scope of the supervisor and employer's license.

(5) Pipefitting Welding

- (a) Any pipefitter licensed by the Bureau, including an apprentice with proper supervision pursuant to 11.01(4)(d), may perform pipefitting welding so long as the use of the end product falls within the scope of the pipefitter license held by the licensee.
- (b) Pipefitters performing welding must possess a third party certification acceptable to the Bureau to qualify them to perform welding. Where required by the certification, pipefitters must have a procedure qualification record and a welding procedure specification to show welds are performed pursuant to the required standards and codes. Such documents must be available for inspection by the Bureau and Division of Occupational Licensure Inspectors at any time, including at the jobsite where welding is being performed.
- (c) Pipefitting Welder License. A restricted license granted by the Bureau to an individual who will only perform welding and will perform no other pipefitting. Said license shall be subject to the following restrictions:

1. The license shall be valid for a period of two years upon which time it must be renewed for future use; and
 2. No examination shall be required for this license, however, applicants must submit a valid welder performance qualification record or other supporting documents as designated by the Bureau showing the following:
 - a. That the applicant is certified/qualified by ASME Section IX or by an American Welding Society Inspector to perform the following weld (hereinafter "Qualifying Weld"):

2" to 6" diameter Schedule 40 – Schedule 160, open root in 6G position, 37 ½ degree bevel, using the GTAW process, SMAW process, or comparable weld;
 - b. If the Qualifying Weld was performed more than six months prior to the date of application, an unbroken continuity log record showing performance of the Qualifying Weld is required.
 - c. The application must be endorsed by a Massachusetts licensed master pipefitter indicating:
 - i. That the Master holds a valid certification to perform a Qualifying Weld;
 - ii. That the Master attests that the applicant meets all requirements to be certified to perform a Qualifying Weld;
AND
 - iii. That the Master has personally witnessed the applicant complete at least one Qualifying Weld that the Master certifies would be suitable for inclusion in a continuity log.
 - d. Completion of a formal welding education program or an employer designed training program acceptable to the Bureau.
 3. Work performed by a licensed Pipefitting Welder shall only occur if a holder of a journeyman or master level pipefitting license (holding the correct classification of license, as required) is on site at all times when work is being performed and is responsible for all pipefitting other than welding.
- (d) Notwithstanding the above provisions, no licensee shall perform any welding unless they hold valid third party certifications/qualifications specific to the types of welds being performed.

11.02: Pipefitter Licensing

No person shall engage in pipefitting unless he or she is licensed pursuant to M.G.L. c. 146, § 84. Licenses shall be carried on the person at all times the licensee is engaged in pipefitting work and shall be furnished for inspection by the licensee upon request by the Commissioner, the Chief, or a District Engineering Inspector.

Every applicant shall file with the Division an application on a form provided by the Division, accompanied by the appropriate fee. All completed and approved applications for examination shall be filed with the Division 30 days before the day of examination.

- (1) **Apprentice Pipefitter License.** Each applicant for an Apprentice Pipefitter License must be registered with the Department of Labor Standards and DAS and be enrolled in an apprentice program registered with the DAS. A copy of his or her Annual Apprentice ID card issued by the DAS must be submitted to the Division along with the application and appropriate fee. Each applicant is limited to three renewals of his or her apprentice license, unless otherwise approved by the Bureau upon showing a documented hardship and verification that the applicant is enrolled in an educational program to enable completion of his/her apprenticeship.
- (2) **Journeyman Pipefitter License.**
 - (a) Every applicant for a Journeyman Pipefitter's License by examination must be a high school graduate or possess a state equivalency certificate. Furthermore:
 1. Applicants whose application for examination is dated and received by the Division prior to **[DATE 2 YEARS FROM EFFECTIVE DATE]**:
 - a. Shall have completed successfully 350 hours study in a pipefitter's course approved by the Bureau and shall have worked for not less than 6,000 hours as an apprentice, such work time to be verified by a licensed Master Pipefitter employer;
 - b. Shall have completed successfully 500 hours of study in a pipefitter's course approved by the Bureau. Furthermore, he or she shall have completed 4,000 actual working hours as an apprentice, such work time to be verified by a licensed Master Pipefitter employer; or
 - c. Shall have completed successfully 1,000 hours of study in a pipefitter's course approved by the Bureau. Furthermore, he or she shall have completed 2,000 actual work hours as an apprentice, such work time to be verified by a licensed Master Pipefitter employer.

2. Applicants whose application for examination is dated on or after [DATE 2 YEARS FROM EFFECTIVE DATE]:

Shall have successfully completed a formal 450 hour course of study in an education course approved by the Bureau. Furthermore, he or she shall have completed pipefitting work experience totaling a minimum of 6,000 clock hours as a validly licensed apprentice, such work time to be verified by a licensed Master Pipefitter employer.

Exception: the Bureau may, in its discretion, accept applications meeting requirements effective prior to [2 YEARS FROM EFFECTIVE DATE] for individuals who suffered from a relevant, documented hardship. However, no such waivers shall be granted on or after [DATE 2 YEARS, 6 MONTHS FROM EFFECTIVE DATE].

- (b) Verification of work experience from an employer shall include the following information:
1. Name, address, and telephone number of the employer at which the applicant has worked;
 2. The employer Master Pipefitter license number; and
 3. The total number of hours of pipefitting work experience the applicant has received.
- (c) No experience requirements required by this section shall be allowed for individuals while working for those entities exempted from these regulations under M.G.L. c. 146, § 87, unless such experience is part of an apprentice program registered with the Division of Apprentice Standards.
- (d) Candidates approved for examination must pass a written examination and must correctly answer 70% or more of the questions on the examination to qualify for a license.
- (e) The holder of this license may not employ other apprentice, journeyman, or master pipefitters.
- (f) A person who is licensed as a Journeyman Pipefitter with a restricted classification is eligible to be examined for another classification of Journeyman Pipefitter License. Upon successfully passing the prescribed examination, a new license shall be granted listing all of the classifications covered by his or her license.

For the purpose of computing the requirement for a student or graduate of a pipefitter course approved by the Bureau, the school shall verify the transcript of

the actual attendance and grades of the applicant on a Verification of Pipefitter Course Hours form.

(3) Master Pipefitter License.

- (a) Applicants for a Master Pipefitter's license shall have at least 2,000 hours of work experience as a Massachusetts Journeyman Pipefitter and shall have completed 200 hours of Bureau approved education before being eligible for examination;
- (b) Candidates approved for examination must pass a written examination and must correctly answer 70% or more of the questions on the examination to qualify for a license.
- (c) The holder of this license may be self-employed or have a regular place of business and employ other Master Pipefitters, Journeyman Pipefitters, or Apprentice Pipefitters.
- (d) A Master Pipefitter who has a regular place of business by himself or herself, with other Master Pipefitters or with Journeyman or Pipefitter Apprentices in his or her employ, must prominently display his or her master pipefitter's license number on all commercial vehicles, offers, invoices, installation drawings, and on all stationery used in their business. The lettering of the license number required to be displayed on all commercial vehicles used in the master pipefitter's business shall be visible, legible and prominently displayed on vans, trucks, and doors of stake body trucks.
- (e) For the purpose of computing the requirement for a student or graduate of a pipefitter course approved by the Bureau, the school shall verify the transcript of the actual attendance and grades of the applicant on a Verification of Pipefitter Course Hours form.

11.03: Refrigeration Technicians/Contractor Licensing

No person shall work in Refrigeration unless he or she is licensed pursuant to M.G.L. c. 146, § 85. Licenses shall be carried on the person at all times the licensee is engaged in refrigeration work and shall be furnished for inspection by the licensee upon request by the Commissioner, the Chief, or a District Engineering Inspector.

Every applicant shall file with the Division, an application on a form provided by the Division, accompanied by the appropriate fee. All completed and approved applications for examination shall be filed with the Division 30 days before the day of examination.

- (1) Refrigeration Apprentice License. Each applicant for a Refrigeration Apprentice license must meet the requirements contained in M.G.L. c. 146, §§ 81 to 88. Furthermore, he or she must be registered with the Department of Labor and Workforce Development, DAS

and enrolled in an apprentice program registered with the DAS. A copy of his or her Annual Apprentice ID card issued by the DAS must be submitted to the Division along with the application and appropriate fee. Each applicant will be limited to three renewals of his or her apprentice license unless otherwise approved by the Bureau upon showing a documented hardship and verification that the applicant is enrolled in an educational program to enable completion of his/her apprenticeship.

- (2) Journeyman Refrigeration Technician's License. Every applicant for a Journeyman Refrigeration Technician's license must be a high school graduate or possess a state equivalency certificate. Furthermore, each applicant:

- (a) For Applicants whose application for examination is dated and received by the Division prior to [DATE 2 YEARS FROM EFFECTIVE DATE]:

1. shall have successfully completed 250 hours of study in a refrigeration technician course, approved by the Bureau, before being eligible to take the examination. Furthermore, the applicant shall have obtained an EPA Section 608 Universal certification and completed 6,000 actual work hours as a Refrigeration Apprentice, such work time to be verified by a licensed Master Refrigeration Technician/Refrigeration Contractor employer; or
2. shall have successfully completed not less than 500 hours of study in a refrigeration technician course, approved by the Bureau, before being eligible to take the examination. Furthermore, the applicant shall have obtained an EPA Section 608 Universal certification and completed 4,000 actual work hours as a Refrigeration Apprentice, such work time to be verified by a licensed Master Refrigeration Technician/Refrigeration Contractor employer; or
3. shall have successfully completed not less than 1,000 hours of study in a refrigeration technician course, approved by the Bureau, before being eligible to take the examination. Furthermore, the applicant shall have obtained an EPA Section 608 Universal certification and completed 2,000 actual work hours as a Refrigeration Apprentice, such work time to be verified by a licensed Master Refrigeration Technician/Refrigeration Contractor employer;

- (b) For Applicants whose application for examination is dated on or after [DATE 2 YEARS FROM EFFECTIVE DATE]:

Shall have successfully completed a formal 450 hour course of study in a refrigeration education course approved by the Bureau. Furthermore, he or she shall have obtained an EPA Section 608 Universal certification and have completed refrigeration work experience totaling a minimum of 6,000 clock hours as a validly licensed Refrigeration Apprentice, such work time to be verified by a licensed Master Refrigeration Technician/Refrigeration Contractor employer.

Exception: the Bureau may, in its discretion, accept applications meeting requirements effective prior to [2 YEARS FROM EFFECTIVE DATE] for individuals who suffered from a relevant, documented hardship. However, no such waivers shall be granted on or after [DATE 2 YEARS, 6 MONTHS FROM EFFECTIVE DATE].

- (c) For the purpose of computing the requirement for a student or graduate of a refrigeration technician course at a state, municipal or private school approved by the Bureau, the school shall verify the transcript of the actual attendance and the grades of the applicant on a Verification of Refrigeration Course Hours form. Verification of work experience from an employer shall include the following information:
 - 1. Name, address, and telephone number of the employer at which the applicant has worked;
 - 2. The employer's Master Refrigeration Technician/Refrigeration Contractor license number; and
 - 3. The total number of hours of refrigeration work experience the applicant has received.
 - (d) No experience requirements required by 528 CMR 11.03 shall be allowed for individuals while working for those entities exempted from 528 CMR 11.00 under M.G.L. c. 146, § 88, unless such experience is part of an apprenticeship program registered with the Division of Apprentice Standards.
 - (e) Candidates for examination must pass a written examination and must correctly answer 70% or more of the examination questions to qualify for a license.
- (3) Master Refrigeration Technician/Refrigeration Contractor's License. Applicants for a Master Refrigeration Technician/Refrigeration Contractor's license shall have at least 2,000 hours of work experience as a Massachusetts Journeyman Refrigeration Technician and shall have completed 100 hours of Bureau approved education before being eligible for examination. Candidates for examination must pass a written examination and must correctly answer 70% or more of the examination questions to qualify for a license. A Master Refrigeration Technician/Refrigeration Contractor who has a regular place of business by himself or herself, with other Master Refrigeration Technicians/Refrigeration Contractors, or with journeyman or Refrigeration Apprentices in his or her employ, must prominently display his or her Master Refrigeration Technician/Refrigeration Contractor's license number on all commercial vehicles, offers, invoices, installation drawings, and on all stationery used in their business. The lettering of the license number required to be displayed on all commercial vehicles used in the Master Refrigeration

Technician/Refrigeration Contractor's business shall be visible, legible and prominently displayed on vans, trucks, and doors of stake body trucks.

For the purpose of computing the requirement for a student or graduate of a refrigeration technician course at a state, municipal or private school approved by the Bureau, the school shall verify the transcript of the actual attendance and the grades of the applicant on a Verification of Refrigeration Course Hours form.

11.04: Sprinkler System Licensing

- (1) Sprinkler Fitter Licensing. No person shall engage in sprinkler fitting **or work on a fire protection sprinkler system** unless he or she is licensed pursuant to M.G.L. c. 146, § 85. Licenses shall be carried on the person at all times the licensee is engaged in sprinkler fitting work and shall be furnished for inspection by the licensee upon request by the Commissioner, the Chief, or a District Engineering Inspector. Every applicant shall file with the Division an application on a form provided by the Division, accompanied by the appropriate fee. All completed and approved applications for examination shall be filed with the Division 30 days before the day of examination.
 - (a) Apprentice Sprinkler Fitter License. Pursuant to M.G.L. c. 146, § 85A, each applicant for a sprinkler fitter apprentice license shall, before starting his or her apprenticeship, file an application, accompanied by the appropriate fee, with the Division and shall provide documentation that the applicant is employed by a Massachusetts Sprinkler Contractor. The application shall be made on a form furnished by the Division. Each applicant will be limited to three renewals of his or her apprentice license unless otherwise approved by the Bureau **upon showing a documented hardship and verification that the applicant is enrolled in a program to enable completion of his/her apprenticeship.**
 - (b) Sprinkler Fitters/Journeyman Sprinkler Fitter License. Every applicant for a sprinkler fitters/journeyman sprinkler fitters' license must be a high school graduate or possess a high school equivalency certificate. Furthermore, each applicant: Shall have worked for not less than 8,000 hours in Massachusetts as an apprentice and have successfully completed not less than 144 hours of study for each year of the term of apprenticeship. The sprinkler training course must be approved by the Bureau. Candidates for examination must pass a written examination and must correctly answer 70% or more of the examination questions to qualify for a license. For the purpose of computing the requirement for a student or graduate of an apprentice sprinkler fitter's course approved by the Bureau, the school shall verify the transcript of the actual attendance and grades of the applicant on a Verification of Sprinkler Fitter Course Hours form. Verification of **work experience** from an employer shall include the following information:
 1. Name, address, and telephone number of the employer at which the applicant has worked;

2. The license number of the employer's Fire Protection Sprinkler System Contractor; and
 3. The total number of hours of sprinkler fitter work experience the applicant has received.
- (2) Fire Protection Sprinkler Contractor Licensing. No person shall engage in the preparation of technical drawings, installations, maintenance, service, inspections or testing of a fire protection sprinkler system or use any title, sign, card, or device indicating, or intending to indicate, or represent in any manner that he or she represents a fire protection sprinkler system contractor without first obtaining a fire protection sprinkler system contractor's license.
- (3) Qualifications for Fire Protection Sprinkler System Contractor's License and Requirements of Fire Protection Sprinkler Systems Contractor
- (a) To become a Fire Protection Sprinkler System Contractor under 528 CMR, an applicant must have satisfactorily passed an examination prescribed by the Division.
 - (b) Every applicant shall fulfill the following prerequisites:
 1. Must be at least 18 years of age;
 2. Must be or have in its full time employ a valid license holder who is a person or an owner, partner, officer, or in a full time management position of a fire protection sprinkler system Contractor;
 32. Must have completed 300 hours of additional Bureau approved education;
 3. Must have five years of work experience as a Massachusetts Sprinkler Fitter/Journeyman Sprinkler Fitter and provide written proof from his or her employers detailing the length of time and positions held.
 4. Must pass a written examination and must correctly answer 70% or more of the examination questions to qualify for a license.
 - (c) Every Fire Protection Sprinkler System Contractor shall prominently display their fire sprinkler system contractor license number on all commercial vehicles, offers, invoices, installation drawings, and on all stationery used in their business. The lettering of the license number required to be displayed on all commercial vehicles used in the fire protection sprinkler system contractor's business shall be visible, legible and prominently displayed on vans, trucks, and doors of stake body trucks.

- (d) A Fire Protection Sprinkler System Contractor license is not transferable.
- (e) In no case shall a license holder be employed by more than one fire protection sprinkler system contractor at one time. If the license holder should leave the employment of the fire protection sprinkler system contractor, the contractor and the license holder must notify the Division within 30 days. If the license holder should leave the employment of the fire protection sprinkler system contractor, the contractor shall have 60 days to submit a new application identifying another license holder. If such new application is not received within the allotted time, the Division shall revoke the license of the fire protection sprinkler system contractor. The fire protection sprinkler system contractor shall be permitted to complete only that work which is under contract at the time the license is revoked. No new work may be undertaken.
- (f) License Applications. Each application for a license shall be filed on a form furnished by the Division. The fee for the first license of a contractor and for any biennial renewal thereof; or for examination therefore shall be determined annually by the Commissioner of Administration under the provision of M.G.L. c. 7, § 3 for the filing thereof. No examination will be required for a renewal, unless the applicant fails to renew his or her license within one year after the license expiration date.
- (g) **Upgrading/downgrading fire protection sprinkler system contractor's licenses**
1. **Upgrading.** Every applicant who is to obtain a fire protection sprinkler system contractor's license shall surrender his or her journeyman's sprinkler license to the Division before the contractor's license will be issued.
 2. **Downgrading.** If a fire protection sprinkler system contractor ceases to be an owner, partner, officer, or in a full time management position of a fire protection sprinkler system business, the holder must downgrade to a journeyman's sprinkler license. A former contractor must also seek a downgraded license if they will not be an owner, partner, officer, or in a full time management position of a fire protection sprinkler system business. The following procedures apply to all downgrades:
 - a. The license of the fire protection sprinkler system contractor cannot be downgraded if it is suspended or revoked;
 - b. If holding a valid fire protection sprinkler system contractor license, said individual shall file an application with the Bureau, must surrender their contractor license, and will be issued or re-issued a journeyman sprinkler fitter's license, without examination.

c. If the individual's fire protection sprinkler system contractor's license has expired, said individual shall file an application with the Bureau, must agree in writing to surrender their right to renew their fire protection sprinkler system contractor's license (in lieu of renewing said license), and will be issued or re-issued a journeyman sprinkler fitter's license, without examination. Notwithstanding this allowance, if said fire protection sprinkler system contractor's license was expired for more than a year, the applicant must first pass the journeyman examination to obtain further licensure.

3. Future Upgrades. Unless subject to disciplinary action, if an individual who previously downgraded their license maintains their journeyman sprinkler fitter's license and later becomes an owner, partner, officer, or in a full time management position of a fire protection sprinkler system business, they shall be permitted to reinstate their fire protection sprinkler system contractor's license without re-examination.

(h) Notwithstanding the provisions of any general or special law to the contrary, no renewal of a Fire Protection Sprinkler System Contractor license shall be issued by the Division unless licensee provides proof of liability insurance, including "completed operations" coverage in the amount of \$500,000 minimum per occurrence, which has been issued by an insurance company licensed to do business in the Commonwealth, or a bond or other type indemnity against liability providing substantially equivalent coverage. The liability insurance certificate shall list the Commonwealth of Massachusetts, Division of Occupational Licensure, as the certificate holder.

11.05: License Renewal Extension - Military Service

(1) If the licensee is on active duty with the armed forces of the United States, as defined in M.G.L. c. 4 § 7 clause forty-third, the license shall remain valid until the licensee is released from active duty and for a period of not less than 90 days following that release. For 528 CMR 11.05 to apply, the licensee must be given an Honorable Discharge, a General Discharge, or an Under Other than Honorable Conditions (UOTHC) Discharge as noted on their discharge and separation papers.

11.06: License Denials and Disciplinary Actions

(1) Denials of Licensure and Examination.

(a) Denial. The Division may refuse to examine or license an applicant for the following reasons:

1. Submission of an incomplete license application.

2. Failure to submit the required fees.
 3. Submission of false, invalid, incorrect or fraudulent information,
 4. The applicant is not eligible for renewal or licensure.
 5. Applicant does not meet the requirements for licensure under 528 CMR 11.00.
 6. Failure of the examination administered by the Division.
 7. A determination that the applicant does not possess the integrity and general fitness to work in a safe manner and in the public interest consistent with the purposes of 528 CMR 11.00 or other sufficient cause.
- (b) Appeals (other than contesting examination results).
1. If the Division refuses to examine or license the applicant it shall notify the applicant in writing setting forth the reasons for denial.
 2. Within 21 days after receipt of the denial, the applicant may appeal the Division's decision by making written demand for a limited hearing. Said demand must set forth facts that refute the facts upon which the Division has based its decision. If the applicant meets this requirement, the Bureau, or such persons or entities as it so delegates, shall conduct a hearing in accordance with M.G.L. c. 30A. If the denial is for failure to pay a fee, the applicant is not entitled to a hearing, but may resubmit the license application with the requisite fees.
 3. If, after conducting a limited hearing, the Bureau or its designee denies the appeal of the applicant, it shall notify the applicant in writing. Such notice shall be sent no later than 30 days after the hearing is concluded, and shall contain the reasons for denial. Within 30 days after receipt of the notice, the applicant may appeal to Superior Court pursuant to M.G.L. c. 30A, § 14.
- (c) Appeals of examination results
- Candidates who receive an unfavorable result on an examination may appeal that result subject to procedures and criteria set by the Commissioner. No further review of examination results shall be permitted.

(2) Disciplinary Actions.

(a) In addition to any fines/civil administrative penalties issued pursuant to M.G.L. c. 22, §22 or M.G.L. c. 112, §61 , or M.G.L. c. 146, § 89, a licensee may be reprimanded, placed on probation, suspended, or revoked by the Commissioner or their designee after a hearing is conducted pursuant to M.G.L. c. 30A, or if the public interest requires prior to an adjudicatory hearing, for any of the following reasons:

1. False or misleading information on the license application or license renewal;
 2. Any violation of a provision of M.G.L. c. 146, §§ 81 through 89;
 3. Any violation of a provision of 528 CMR;
 4. Engaging in conduct which places into question the licensee's competence to practice the profession, such as working in an unsafe manner;
 5. Engaging in dishonesty, fraud or deceit which is reasonably related to the practice of the profession, such as behavior that demonstrates untrustworthiness;
 6. Practicing the profession beyond the authorized scope of the license held;
 7. Practicing the profession while the licensee's ability to practice was impaired by alcohol or drugs;
 8. The licensee has been convicted of a criminal offense which is reasonably related to the practice of the profession;
 9. The licensee has permitted, aided, or abetted, an unauthorized person in performing activities requiring a license;
 10. The licensee holds or has held a license, certificate, registration, or authority issued by another governmental authority which has been revoked, cancelled, suspended, not renewed, or otherwise disciplined. For purposes of this requirement, another government authority can include, but not be limited to, a state or territory of the United States, the District of Columbia, another Massachusetts governmental authority, or a foreign state or nation; or
 11. Any other ground delineated in M.G.L. c. 112, §61.
- (b) Procedure for suspending a license prior to a hearing in the interest of public safety.

1. Whenever the Commissioner or their designee suspends a license prior to an administrative hearing, he or she shall immediately notify the licensee in writing and provide a hearing date within ten days of said action.
 2. Upon receipt of such notice, the licensee shall immediately return his or her license to the Division pending the outcome of the hearing.
- (c) Procedure for disciplining a license.
1. Whenever the Commissioner or their designee determines that disciplinary action may be taken against a licensee, he or she may hold a hearing relative to the license.
 2. Hearings shall be conducted in accordance with M.G.L. c. 30A and, as determined by the Commissioner, 801 CMR 1.01: Formal Rules or 801 CMR 1.02: Informal/Fair Hearing Rules.
 3. If the Licensee is aggrieved by a final decision disciplining a license, the licensee may, within the statutory 30 day deadline, appeal that decision pursuant to M.G.L. c. 30A, §14.

11.07: Methods of obtaining credit for licensure

(1) Credentials from outside Massachusetts.

- (a) Applicants seeking a Massachusetts license who hold a similar license in another state or country may submit to the Bureau a written request petitioning that such license, including experience or education obtained for said license, be considered for approval as being substantially equivalent to the experience and education requirements required in Massachusetts.
- (b) Unless Massachusetts has a reciprocity agreement with the relevant jurisdiction authorizing licensure without examination, all applicants will be required to pass the relevant examination for the license being sought.
- (c) The Bureau reserves the right to request additional information regarding qualifications and may choose not to grant or grant only in part a request for education or experience waivers.
- (d) Absent special Bureau approval, applicants shall not be granted credit for:
 1. Work experience in a jurisdiction that does not require a license; or
 2. Licenses from a jurisdiction that does not require formal education.

(2) Massachusetts public secondary vocational technical programs

(a) Applicants shall be granted credit for education and work experience obtained in Bureau approved vocational technical programs meeting the requirements of these regulations.

(b) Education obtained in a vocational technical program under this section must adhere to the curriculums and other standards approved by the Bureau and the Department of Elementary and Secondary Education.

(c) Work experience may be obtained by students enrolled in a vocational technical program by the following methods:

1. In a “shop” or “laboratory” facility at the school where students are under the direct supervision of one or more licensees who meet the educator licensing requirements of the Department of Elementary and Secondary Education;

2. In a Bureau approved, off-campus construction and/or maintenance project overseen by the school; or

3. After obtaining an apprentice license, in a school arranged co-op employment relationship with a licensee. To engage in this type of employment, students must meet the same apprenticeship and DAS requirements required of apprentice licenses per 528 CMR 11.00.

(3) Credit for education and work experience obtained pursuant to another Massachusetts license.

At its sole discretion, the Bureau may grant an applicant credit towards a Bureau issued license for education and/or work experienced obtained pursuant to a license issued by another Massachusetts board or agency which the Bureau finds is substantially equivalent to Bureau requirements.

(4) Unlicensed practice. Other than work performed under a Vocational Technical School Program as described in these regulations, the Bureau shall not grant any work experience credit to an individual for any period in which they did not hold a valid license issued by the Bureau. This section shall not be construed as preventing the Bureau from taking additional disciplinary action against an individual for practicing without a license.

11.08: Requirements for all educational programs

(1) All Public, Private, Proprietary, Occupational Trade Schools, College/University programs, or other educational programs must be approved by the Bureau in order to qualify for credit towards a Bureau issued license.

- (2) Educational Programs not approved by the Bureau shall not be granted any credit towards licensure unless the Bureau deems, in its discretion, that there was good cause for the program's failure to obtain certification.
- (3) All educational programs approved by the Bureau must adhere to any model curriculum/frameworks issued by the Bureau.
- (4) No Exceptions. All educational programs approved by the Bureau for credit towards a license must meet the latest Bureau requirements regardless of when they were initially certified.

11.09: Definitions.

All terms shall have the meanings set forth in 528 CMR 2.00, Definitions, unless otherwise defined herein.

REGULATORY AUTHORITY
528 CMR 11.00: M.G.L. c. 146, §§ 81 and 82.