



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT Governor

YVONNE HAO
SECRETARY, HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
1000 Washington Street, Suite 710
Boston, Massachusetts 02118

LAYLA R. D'EMILIA
UNDERSECRETARY, CONSUMER
AFFAIRS AND BUSINESS
REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

**BOARD OF STATE EXAMINERS OF
PLUMBERS AND GAS FITTERS**

**November 17, 2023, Public Hearing per M.G.L. c. 30A to
consider amendments to 248 CMR 10.00.**

BOARD MEETING AGENDA

The Board of State Examiners of Plumbers and Gas Fitters conducted a hybrid Board meeting on Friday, November 17, 2023, starting at 11:00 a.m.

**IN ACCORDANCE WITH THE PROVISIONS OF G.L. C. 30A § 20, THE
BOARD OF STATE EXAMINERS OF PLUMBERS AND GAS FITTERS
CONVENED A SPECIAL BOARD MEETING AT:
1000 WASHINGTON ST, BOSTON MA ROOM 1D AND HYBRID**

Member and Staff Attendance

: MEMBERS	APPOINTMENT	PRESENT	ABSENT
Joseph McNamee	Chairman, Master Gas Fitter	X	
Harold Knight	Member, Journeyman Plumber	X	
John Cruz	Member, LP Installer	X	
Bahig A. Kaldas, P. E.	Member, Plumbing Engineer	X	

Joseph V. Waskiewicz	Member, Master Plumber	X	
Wayne Thomas	Member Journeyman Gasfitter	X	
Dr. Robert Goldstein	Member, Dept. of Public Health	X	
Sarah Badway	Public Member	X	
Sarah Wilkinson	Commissioner, DOL Designee	X	
STAFF			
Charles Kilb	Board Legal Counsel	X	
Kenneth Peterson	Executive Director	X	
Michael Guida	Board Code Consultant	X	

11:00 A.M. Agenda Review: By Chairman Joseph McNamee

Public Hearing

The chair opened the meeting and provided the attendees the basic procedures for the meeting. He noted that while the Board had draft language which will be used for purposes of a yet to be scheduled formal public hearing, the feedback from this listening session will be used along with any feedback from that public hearing. He then provided information on how to participate both via computer and telephone.

Undersecretary, Layla D’Emilia

She is in support of plumbing code provisions, as the gender-neutral bathrooms will increase inclusivity without having to seek variances from the board. She argues that the bathrooms promote accessibility to those with disabilities, and also inclusivity for those along the gender spectrum. Reducing the level of gov interaction is critical – making places safer and more inclusive across the state.

Dominick Pangallo, Mayor of Salem

Supports proposed code regs. The gender-inclusive bathrooms create a more welcoming state for all regarding gender expression. They provide a safe and dignified space for all people without fear of judgment, discrimination, or harassment. Accessible bathrooms for all regardless of gender identity make it easier for single parents of opposite-sex children and caretakers with people of other genders.

Having these amendments lets there be more positive environments in the state – inclusive and welcoming for all.

State Representative, Mindy Domb

The administrative burden of having to complete applications regarding variances. The variance process takes people away from other work and costs much time and money for those seeking to get those variances approved. Overall, they feel that these amendments are great additions to cut costs and save time and energy. Mentions floor-to-ceiling heights provision concern. Says this

provision could be detrimental to the public, as you cannot see people collapse on the floor and come to their aid in case of emergency.

Kairo Serna, Student Organizer UMass Amherst

Trans and nonbinary student organizer of UMass Amherst believes these changes will benefit trans, nonbinary, and gender queer individuals, due to a variety of safety reasons and dignity concerns.

They say many students struggle to find a safe bathroom on campus (including showers for on-campus living). These amendments will improve the quality of life for genderqueer, non-binary, and trans folk. This is an opportunity to build inclusivity, equity, and safety around the state.

Sal Terranova

He is concerned with 10.13 (special wastes), as the reconfigured list is not accessible regarding CVPC. He says CVPC has been approved for accessible waste since 2007 and wants to know if the board will include this still and what the board could require of him moving forward regarding amendments.

Aviva Galaski, Architect in MA

Having these bathrooms allowed by right rather than variance has a positive impact on primary schools. They say other fellow nonbinary and trans folks have concerns over making bathrooms inclusive and safe – they say there is a big call for a change in this community.

Kiran Holden, student at Tufts

They ask that the amendments include signage that says “gender inclusive” so that people know that the bathroom is a safe place for them and designated for their use. They mention the stigma nonbinary and trans people face in going into the bathrooms because people are unaware that these folk can enter the bathrooms and are permitted to be there – overall causing issues emotionally, mentally, and even physically. They also say that the single user gender neutral definitions need updating (10 10 15 g) to be more inclusive.

Ed Forsberg, Norwood Plumbing Inspector

10.02 “basic principles” section has some repeats in them – also doesn’t mention that access to laundry needs to be in the dwelling itself, which is concern over multiple floor residents in dwellings Expressed concern over numerous plumbing issues regarding pvc, piping, primer, and 10.08 (2) - trap and cleanouts. Mr. Forsberg had a list of concerns regarding the proposed code and left that list with the Chairman of the Board for the Board’s consideration.

Kerry Riggles, Manager of Policy and Advocacy at Fenway Health

Fenway Health supports the changes to the code, as they advocate for innovative and accessible services to underserved communities, like LGBTQ+. Their staff works closely with trans individuals and other queer folk. They say that many times queer and trans folk may be left with anxiety and danger about where they should use the bathroom when they are left without a gender-neutral option. The option of a neutral bathroom provides them with dignity and respect. They say the process for getting a variance for gender-neutral bathrooms is quite difficult, and for an organization like themselves, providing gender-neutral bathrooms is essential.

Jessica Ernst, Theater Offensive

They are currently building a theater facility that normally includes trans and queer folks, and thus it is essential to have these gender-neutral restrooms in their building, without jumping through the hoops of variance requests. Variance requests would be a hurdle, especially in places dominated by queer folks, such as their facility, as it will be the largest theater in the world owned and operated by trans and queer folk, and thus the gender-neutral option is a non-negotiable for them. They say that trans and nonbinary people face harassment, judgment, etc. when having to use gendered bathrooms. Signage is essential to help mitigate harassment further to alert people that trans and non-binary folk are welcome there and safe in this space.

Halley Kelly, Massachusetts Democratic Party

Trans equality could be better served with these bathrooms. Trans people in MA are suffering – most experience verbal harassment, and even physical harassment regarding bathroom usage in public spheres – gender-neutral bathrooms by law would make this harassment decrease. Trans high school students have incredibly high rates of harassment and assault by the time they graduate – our trans youth are at risk and in need of basic accommodations that they can feel safe in.

Dr. Genny Beemyn, Stonewall Center at UMass Amherst; Co-Chair of Restroom Working Group at UMass Amherst

Wants “gender inclusive” or “all gender” vs. “gender neutral” to be more inclusive and accommodating. UMass Amherst has a huge increase in trans and nonbinary students, many of whom are asking for gender-neutral bathrooms. Under the current plumbing code, the needs of these students are not met, as these students must travel far to use inclusive restrooms or wait their turn for the single-stall inclusive restroom on campus. New regs can better accommodate students and staff.

Tre’Andre Valentine, Massachusetts Transgender Political Coalition

The amendments are beneficial to thousands of trans, non-binary, and queer people across the state. Additionally, they are helpful for people with opposite-sex children, older adults, or others who may need help in the restroom – impact people regardless of gender identity issues – making it impactful for dignity and assistance for all. Mentions that public restrooms with gendered signage lead to harm, harassment, and denial of restrooms for these people. Calls for inclusive signage to indicate safe spaces.

Anne Bailey, Labor Organizer for SEIU

Talks about the personal experience of being harassed and assaulted and told to leave the gendered restroom, despite being cisgender – makes her more comfortable to just use a gender-neutral stall, as is the case with many others. There is concern over harm in bathrooms with the presence of trans and non-binary folk, but the people harmed are the trans and nonbinary folk. Says that this will make a change that serves the people and has bathrooms safe for everyone. Says we don’t need 4 walls – the walls in place now are fine.

John Nunnari, AIA

Currently, trans and non-binary people face discrimination and a lack of inclusivity. Additionally, these gendered restrooms harm those with disabilities and in need of a neutral

space. In k-12 education facilities, not having these is detrimental – increases anxiety, safety concerns, etc. for the students. He is a design professional and research shows that gender neutrality benefits all people. They have specific comments to raise to 10.10 (15) (g) and (h): “Gender-inclusive” or “all gender” vs. “gender neutral” to avoid stigmatization; Signage is necessary for stigmatization reasons and inclusivity; Floor to ceiling doors would be wasteful; Want clarification on urinal inclusion for this amendment. Things like signage and others may not be decided by this board but suggests that this board create a subgroup for BBRS where they actually can decide on this issue --> hopefully through the comments made today the subgroup could provide insight to BBRS moving forward.

Matt Rice, Architect

Such a minor alteration to the code can positively impact the community. Details to hopefully be altered in the code: Inclusive language --> no “gender neutral” term; 10.10 15 (g) --> use of unisex toilet is defined as a room with lockable door, toilet, and can be used by anyone; want to add clarification that there is a definition of this bathroom with a lockable stall but a common bathroom area for all to use Urinal requirement --> wants a clarification that gender-neutral bathrooms can replace or be equivalent to male bathroom rooms; issue regarding urinal requirement moving forward

Gary Gauthier, ICC

Says he is here to be of service regarding language and aid to the amendments. Overall, he supports the amendments.

Tanya Neslusan, Mass Equality

Any kind of variance can be time-consuming and costly, and also not guaranteed to be approved. By being able to streamline the variance process it will cut costs for construction and foster a more inclusive environment for all. In MA, 9.2% of youth identify as gender non-conforming, In 25% of children live in single-parent households We want caregivers of opposite-gender individuals and gender non-conforming people to be able to access appropriate restrooms.

Jack Reid, MIT Alum

Want to have greater access to gender-neutral restrooms? Floor-to-ceiling provision may require more visible fire alarms in stalls which could increase costs, but he thinks this aspect shouldn't be the stopping point for having increased gender-neutral bathrooms.

Alex Nugent, High School Student

The first two floors of their high school have no gender-neutral bathrooms. Students needing neutral bathrooms must compete with other students and staff for the stalls, which takes away from class time, and potential shame and embarrassment from taking so long and or having to wait for a stall upon returning to class. Want to convert bathrooms to neutral bathrooms for inclusivity and a better environment for all? Need for signage but calls for “all gender” vs. “gender neutral” terminology.

Jeff Perras

Unsure about whether urinals are permitted in gender-neutral stalls. If they are permitted, do they need to be full height? Are urinals permitted to remain in current gendered restrooms that will possibly change to gender-inclusive? Wants clarification on urinal requirements moving forward.

Jeremy Goodman, College of Engineering in Needham

Floor-to-ceiling provision would require extensive engineering alterations that may be costly, and ultimately unnecessary.

Laurie Hunter, Superintendent of Concord-Carlisle

Currently in a mental health crisis, and those most vulnerable are non-binary and trans people. In her school survey, about 60% of those students stated being depressed, 54% considered self-harm, and another large percentage considered suicide. Supports amendments to support these at-risk students.

Brian Duboise, Apprentice

Supports getting rid of section 10.2.

Only issue with the code 10.14 (2a)(2a) --> referring to water pipe sizing --> wants to get more information regarding the sizing and tub, shower installment

Ryan Moy, Petersen Engineering

This provision is useful for looking at materials, equipment, etc. that are required by engineers. Allowing engineers to design water systems that are databased and much more accurate by PVC is beneficial in letting engineers get the proper equipment and allow proper piping implementations.

Following the Public Hearing portion of the meeting, the Board recessed for a one-hour break; the meeting resumed at approximately 1:00 pm. Upon reconvening the meeting, the Board was advised by Board Counsel Charles Kilb of the options available to them, including the option to amend the proposed regulations in light of public comments or approve without amendments but provide guidance to address public comment; the motion was made to approve the regulatory package without amendments but to provide further, subsequent guidance to address public comment by Wayne Thomas and seconded by Joe Waskiewicz.

Results: Unanimously Approved

The motion to approve the regulatory package without amendments but provide further guidance was approved: 9 votes in favor, 0 votes opposed.

ADJOURNMENT

The chair called for any further comments, seeing no one, he called for the main meeting to be adjourned, this was voted on by Harry Knight and seconded by Joe Waskiewicz at 1:10, P.M. Staff kept the meeting open until noon in the event there were any late attendees seeking to provide comments. No further attendees appeared.

ITEMS RELIED UPON IN THE MEETING

Agenda