



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*  
*Department of Fire Services*



CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LT. GOVERNOR

THOMAS A. TURCO, III  
SECRETARY

*P.O. Box 1025 ~ State Road*

*Stow, Massachusetts 01775*

*(978) 567~3100 Fax: (978) 567~3121*

*www.mass.gov/dfs*

PETER J. OSTROSKY  
STATE FIRE MARSHAL

**To:** Interested Parties

**From:** Peter J. Ostroskey, State Fire Marshal

**Date:** May 5, 2020

**RE:** **Recent amendments to 527 CMR 1.00 effective May 15, 2020**

The Department of Fire Services requires those wishing to engage in trades such as commercial hood cleaning, fireworks, special effects, blasting, explosives and fire suppression, among others, to be properly licensed. Since early 2019, the Department of Fire Services has experienced a dramatic increase in individuals engaging in these various trades without a license, after suspension of their license or otherwise allowing others to make use of their license, many times for monetary gain. In many instances, the work being performed by these unlicensed individuals is putting the public at risk as it falls well below the level of proficiency required by the State Fire Code which is why these unlicensed individuals do not sit for the required examination in the first instance. The Department has found that individuals who loan their license out often claim that their service tags or labels have been lost or stolen when non code compliant work is discovered and is attributable to their license.

In an effort to combat these problems, recent amendments to 527 CMR 1.00 establish administrative penalties for individuals who knowingly engage in any work or trade after suspension of said license, certificate or registration issued by the State Fire Marshal. Additionally, these *Code* amendments establish administrative penalties for those individuals who loan, sell or otherwise provide any license, certificate or registration issued by the State Fire Marshal, to another, as well as those individuals falsely represent themselves as a valid license holder. Further, these *Code* amendments align the requirements for fire suppression service tags with the existing language applicable to commercial hood cleaning labels by giving the Marshal discretion as to size, content, design and placement of said tags. Finally, these *Code* amendments establish a reporting requirement for licensed individuals to report the loss or theft of service tags (fire suppression) and service labels (commercial hood cleaning).

These amendments, which take effect on **May 15, 2020** upon their publication in the Massachusetts Register, are as follows:

**Recent amendments to 527 CMR 1.00**

**Add:**

**1.13.4.1.3** Any person who engages in any work or trade after suspension of said license, certificate or registration issued by the State Fire Marshal shall be subject to a minimum 3 year suspension of said license, certificate or registration. Such suspension shall, where required under the provisions of M.G.L. 30A, be effective after the holder of the suspended license, certificate or registration has been given adequate notice and an opportunity to be heard on the sole issue of whether the holder of the suspended license, certificate or registration engaged in work which requires an active license, certificate or registration issued by the State Fire Marshal, pursuant to *Section 1.13*.

**Add:**

**1.13.4.1.4** Any person who knowingly loans, sells, transfers or otherwise allows another to use their license, certificate or registration issued by the State Fire Marshal shall be subject to permanent revocation of all licenses, certificates or registrations issued by the State Fire Marshal they hold, without the eligibility for renewal. Said individual shall be permanently prohibited from applying for and holding any license, certificate or registration issued by the State Fire Marshal in the future. Such permanent revocation and prohibition shall, where required under the provisions of M.G.L. 30A, be effective after the holder of said licenses, certificates or registrations has been given adequate notice and an opportunity to be heard.

**Add:**

**1.13.4.1.5** Any person who knowingly uses or possesses the license, certificate or registration of another or who otherwise falsely represents themselves as a holder of said license, certificate or registration issued by the State Fire Marshal, shall be permanently prohibited from applying for and holding any license, certificate or registration issued by the State Fire Marshal. Such prohibition shall be effective, where required under the provisions of M.G.L. 30A, after adequate notice and an opportunity to be heard.

**Add:**

**1.13.4.1.6** Any holder of a Certificate of Registration or User Certificate who knowingly permits an unlicensed individual within their employ to use or possess the license, certificate or registration of another or to otherwise falsely represent themselves as a holder of a license, certificate or registration issued by the State Fire Marshal, shall be subject to a minimum 3 year suspension of said Certificate of Registration or User Certificate. Such suspension shall, where required under the provisions of M.G.L. 30A, be effective after the holder of the Certificate of Registration or User Certificate has been given adequate notice and an opportunity to be heard.

**Add:**

**1.13.4.1.7** Any holder of a Certificate of Registration or User Certificate who knowingly permits an individual in their employ to violate any provision of this *Code*, other than *Section 1.13.4.1.6*, may be subject to suspension or revocation of said Certificate of Registration or User Certificate. Such suspension or revocation shall, where required under the provisions of M.G.L. 30A, be effective after the holder of the Certificate of Registration or User Certificate has been given adequate notice and an opportunity to be heard.

**Modify:**

**1.13.5.4.1** The size, content, design and placement of service tags shall be prescribed by the State Fire Marshal. ~~Approved service tags installed by the holder of a certificate shall include all of the following information on the front of the tag:~~

- ~~(1) The words "Do Not Remove Per Order of the State Fire Marshal" on top front of the tag;~~
- ~~(2) Servicing firm's name and address;~~
- ~~(3) Firm's Certificate of Registration MA-CR number and type;~~
- ~~(4) Type of service performed;~~
- ~~(5) Date serviced performed;~~
- ~~(6) Certificate of competency number of the qualified individual who performed or supervised the service(s) performed and their initials;~~
- ~~(7) Space and lines for recording owner and location of equipment~~
- ~~(8) Space and lines for recording type and size of extinguisher.~~

**Add:**

**1.13.5.4.7 Theft or Loss of Service Tags**

**1.13.5.4.7.1** Any incident involving the loss or theft of service tag(s) must be reported to the State Fire Marshal and the police department within the jurisdiction where the loss or theft occurred within 72 hours. Failure to report such loss or theft shall result in the rebuttable presumption that the holder of the tag performed or allowed another to perform the services associated with said tag(s). Any person who unwittingly allows another to use their service tag(s) after a prudent license-holder would have cause to know of a loss or theft of same, or misappropriation or misrepresentation of identity, may have their Certificate of Competency and Certificate of Registration suspended for a minimum of 2 years.

**Add:**

**50.5.6.16** Any incident involving the loss or theft of any label(s) must be reported to the State Fire Marshal and the police department within the jurisdiction where the loss or theft occurred within 72 hours. Failure to report such loss or theft shall result in the rebuttable presumption that the holder of the label performed or allowed another to perform the services associated with said label(s). Any person who unwittingly allows another to use their label(s) after a prudent license-holder would have cause to know of a loss or theft of same, or misappropriation or misrepresentation of identity, may have their Certificate of Competency and Certificate of Registration suspended for a minimum of 2 years.