



ROBERT BUTLER  
Business Manager

RUSSELL BARTASH  
Financial Secretary-Treasurer

Business Agents  
EDWARD FOLEY  
CHARLES GEARY  
RICHARD KEOGH  
JOHN MARTIN  
MICHAEL SHEEHAN

Director of Labor Development  
NEAL KELLEHER

Labor Management Director  
EDWARD J. MARENBURG

Labor Management Representative  
DONALD NAZAROFF

RHODE ISLAND LOCAL 17  
22 Amflex Drive  
Cranston, RI 02921  
Telephone: 1-401-944-3515  
Fax: 1-401-944-3591

NEW BEDFORD LOCAL 17  
558 Pleasant Street, Suite 310  
New Bedford, MA 02740  
Telephone: 1-508-999-0001  
Fax: 1-508-997-5609  
WATTS: 800-584-4598

NEW HAMPSHIRE LOCAL 17  
161 Londonderry Turnpike  
Hooksett, NH 03106  
Telephone: 1-603-626-5577  
Fax: 1-603-626-5559  
WATTS: 1-888-757-0086

MAINE LOCAL 17  
19 Enterprise Street  
Lewiston, ME 04240  
Telephone: 1-207-753-9377  
Fax: 1-207-753-9331

## SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION LOCAL UNION No. 17 of Eastern Massachusetts, Rhode Island, New Hampshire and Maine

1157 Adams Street • 2nd Floor • Dorchester, MA 02124-5788  
Telephone: (617) 296-1680-81 • Fax: (617) 296-1295  
WATTS: 1-800-426-6657

July 21, 2015

Peter B. Kelly, Executive Director  
Board of Examiners of Sheet Metal Workers  
1000 Washington St., Suite 710  
Boston, MA 02118

Dear Peter,

We are writing you to follow up on the recent listening session conducted by the Board to address a few short points that may have been lost in the shuffle. We again want to thank the Board for giving the industry this opportunity. However, one thing that desperately needs attention by the Board was not addressed, the issue of local inspectors and the code they enforce.

Every day, sheet metal workers throughout Massachusetts are plagued by inconsistent enforcement of sheet metal licensing and code interpretations which change depending on what city or town you are in. Despite the fact that the Board has adopted a uniform permit for sheet metal work, use of this permit is sporadic and is anything but uniform. In many cities and towns, local building officials require a building permit to perform sheet metal work. Someone who only possesses a sheet metal license and not a construction supervisor license can't pull a building permit. Further, some cities and towns combine the sheet metal permit with a "mechanical permit" not even mentioned in the Building Code. As a result of this, in many areas, a sheet metal worker cannot obtain a permit for their own work. People not licensed to perform sheet metal work have to do it for them. The Board needs to stop this practice.

As a related issue, we are concerned with the lack of basic sheet metal understanding held by local building inspectors, who are supposed to be able to inspect local sheet metal work. Where the state at least has licensed sheet metal inspectors, on the local level, there is no requirement that building officials have the slightest knowledge of sheet metal work, many of whom don't. This is creating a major public safety hazard, and is a problem for sheet metal licensees, who again face arbitrary inspectional requirements which vary from town to town. Further, these same local inspectors allow unlicensed people to perform sheet metal work without any consequence. While we know the Board cannot change the law, the law does have a remedy, specifically, M.G.L. c. 112 §247 allows local inspections to be done by "the local inspector of buildings or other official" and then later states "...this section shall be enforced by inspectors of buildings or other officials designated by the local building authority and the board." Based on this, we recommend the Board specify in this regulation that the other official, designated by the Board, is a licensed sheet metal worker, thus making it clear to municipalities that they can have an inspector look at sheet metal work that is actually qualified. On that note, the Board should consider working with the Board of Building Regulations and Standards ("BBRS") to mandate sheet metal training for local building inspectors who insist on inspecting sheet metal work.

Finally, we believe the issue of a code has not gotten the attention it deserves, despite the critical nature of a good code for our industry. A few of the presenters at the listening session advocated a blind adoption of International Mechanical Code ("IMC") which is adopted by the BBRS, this is a mistake. First, despite the 2009 edition of the IMC being adopted in Massachusetts by the BBRS, it is rarely followed and rarely enforced (which may also have to do with the issue of untrained inspectors, mentioned above). A quick review of the IMC appears to show only three chapters having anything remotely to do with sheet metal, and even then, it only addresses small portions of our industry. A few years ago, the Board decided it needed to have its own code, this decision should not change. The Building Code regulates construction supervisors, not sheet metal licensees, we believe it is for this reason that the Board is mandated to adopt rules governing sheet metal that are a specialized code, just like the plumbing and electrical code (M.G.L. c. 112; §247 and c. 143; §96). Despite claims to the contrary, the Board's failure to adopt a code is causing massive confusion. For example, unlicensed groups have challenged the statutory requirement that louvers in connection with a commercial air exhaust or duct unit be installed by a sheet metal licensee, they support this argument by citing the Building Code, calling the installation a building envelope system and noting there is nothing else in the code indicating it is sheet metal. Indeed, this same topic came up at the listening session, where certain people argued that commercial and industrial architectural sheet metal watershed roof systems (again sheet metal by statute) aren't sheet metal because they are presently regulated (at least purportedly) by the Building Code. It just makes common sense that sheet metal workers should be able to look to the sheet metal code to see the minimum rules necessary to install sheet metal work safely, and that BBRS licensees should look to BBRS' code to install work regulated by the BBRS.

If the goal is to eliminate conflict and duplication, why not have the BBRS stop trying to regulate sheet metal entirely. First off, there are no sheet metal licensees on the BBRS, so how does that body even possess the expertise in the first place in trying to regulate sheet metal work? Further, we note that the Sheet Metal Board, not the BBRS, is statutorily obligated to hear appeals of local inspectors regarding sheet metal work (M.G.L. c. 112; §247). How would this work if the only code being appealed is one adopted by the BBRS? What if the building inspector ignores the Board and the BBRS agrees with the inspector? As another example, in 2014, the Board issued advisories regarding commercial kitchen grease duct systems and the installation of fire dampers and combination fire/smoke dampers, what happens if the BBRS disagreed with these? In a nutshell, the Board needs to decide if it or the BBRS is to govern sheet metal work; our opinion is that the legislature already decided that question in favor of the Board. More importantly, it is our opinion that, to eliminate confusion, conflict, and duplication, the BBRS must not adopt any code governing sheet metal. Further, while we appreciate the IMC as a model code used by some jurisdictions, Massachusetts has a very unique sheet metal license regulated by a Board composed of experts in the sheet metal profession, we need a customized code, thus we believe the Board was taking the correct approach by using a different code, the Uniform Mechanical Code, and amending it to specifically address sheet metal and sheet metal only. If nothing else, we believe that the failure of the Board to adopt its own code will only draw out continued dispute with the BBRS over who regulates what. Therefore, we believe it is in the best interest of the industry for the Board to continue its work with all segments of the industry in adopting a custom sheet metal code, and to simultaneously work with the BBRS in extracting the sheet metal industry from the Building Code for good.

Sincerely,



Robert Butler  
Business Manager