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PETER J. OSTROSKY
STATE FIRE MARSHAL

MEMORANDUM

To: Heads of Fire Departments
From: Peter J. Ostroskey, State Fire Marshal
Date: March 29, 2018
Re: **527 CMR 1.00:41 Welding, Cutting and Other Hot Works**

Following a March 26, 2014 fire that was sparked by unpermitted and improperly performed welding that tragically took the lives of two Boston Firefighters, one of the many lessons learned was that there was a lack of training and understanding surrounding hot works and hot works safety. The Board of Fire Prevention (BFPR) established a Hot Works Task Group in 2015 to make recommendations to the BFPR for incorporation into the regulations to increase safety awareness in an attempt to mitigate such tragedies from reoccurring. On January 1, 2018, the newly revised 527 CMR 1.00 Massachusetts Comprehensive Fire Safety Code, included the Task Force recommendations, including Chapter 41, *Welding, Cutting, and Other Hot Works*.

The revisions to Chapter 41 include the adoption of material from NFPA 51B *Standard for Fire Prevention during Welding, Cutting, and Other Hot Work* (2014 Edition) into the chapter for ease of reference as well as additional Massachusetts Amendments regarding Permit Requirements for Sole Proprietors, Individual Operators and, training requirements to become a Qualified Person, as defined in Chapter 41.

41.4 Sole Proprietors and Individual Operators

A permit for hot work operations from the AHJ for conducting hot work is not required for those individuals who conduct permitted activity pursuant to a specialized code as defined in M.G.L. c. 146 § 96. For example, properly licensed plumbers and electricians are not required to secure a hot works permit to conduct work within the scope of their trade if they

have secured the appropriate permit for their work activity conducted under their specialized code. A hot work permit is also not required for persons conducting hot work on their own premise or equipment as long as they have consulted with the AHJ prior to commencing the work. Additionally, homeowners and hobbyists are also exempt from hot works permitting requirements.

41.7 Qualifications

Effective July 1, 2018, only a “Qualified Person” may serve as a Permit Authorizing Individual or PAI (a Qualified Person designated by management to authorize hot work at a site or facility) or allowed to perform fire watches or perform, supervise, or delegate “hot work” as defined in Chapter 41. To attain “Qualified Person” status, one must successfully complete training approved by the State Fire Marshal per 41.7.

For the purposes of the Marshal’s “approval” of the training requirement described in 41.7, the Marshal has approved the classroom program conducted by NFPA that meets the City of Boston’s requirement for training. That training program commenced on October 1, 2016 and those holding a valid training certificate are deemed in compliance with the training requirement of 41.7. DFS is in the process of reviewing additional in person course requirements and web based training programs. Once approved, they will be announced on the DFS website.

Training for the Fire Service and Enforcement Officials

DFS has developed a program intended for firefighters, fire prevention officers, and other enforcement officials. The class entitled: “HW1 - Hot Works: 2018 Massachusetts Requirements” is available for registration within the DFS Learning Management System (LMS). Topics covered will include a review of Chapter 41 and other regulations and standards for Hot Work from a code enforcement perspective, as well as, clarifying the roles and responsibilities of the AHJ and management from the regulated community. A current schedule of available classes is listed below. It should be noted that this class is not approved by the Marshal for those who seek “Qualified Person” status for the PAI or Hot Work Operators.

Date	Location	Available Spaces
4/17/2018	Stow Academy	100
4/20/2018	Boston Plumbers & Gasfitters Local 12	50
4/23/2018	Billerica FD HQ	49
5/4/2018	Bourne FD HQ	40
5/9/2018	South Deerfield FD HQ	40
5/14/2018	Fall River Training Academy	60
5/16/2018	Springfield Academy	100
5/22/2018	Worcester Inspectional Services	20
5/29/2018	Topsfield Fairgrounds, Coolidge Bldg	100
5/30/2018	Dalton FD HQ	40

We are working to secure additional training sites and will be adding them in the near future. Keep an eye on the [Learning Management System \(LMS\)](#) for these additional dates and locations.

If you have further questions, please contact the Code Compliance Help Desk at (978) 567-3375.