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## Minutes

**Bureau of Pipefitters, Refrigeration Technicians and Sprinklerfitters**  
Division of Professional Licensure  
1000 Washington Street, Room 1D  
Boston, MA 02118  
June 20, 2018, 10:00 AM

1. Meeting called to order by the Chair at 10:00 a.m., followed by roll call, the Chair asked that members identify themselves and whom they represent:

**Bureau Members Present:**

Charles Borstel, Chair  
Dan Dumont, NE Mechanical Contractors  
Justin Fishlin, Sprinklerfitter Member  
Pauline Lally, User Member  
Frank Norton, Boston Refrigeration Contractors  
Sharon Orr, Mechanical Engineer  
John Viola, Sprinkler Contractor Member  
Jennifer Revill, Public Member  
Brian Kelly, Mass. Building/Construction Trades  
Leo Fahey, Pipefitter Member\*

\* Arrived at 10:20 a.m.

**Guests Present:**

Eric Esposito, RT Applicant  
Tim Gilligan, Pipefitters Local 537  
Barbara Lagergren, Gould Construction Institute  
Paul McGrath, Pipefitters Local 537  
William Young, Pipefitters Local 537  
Henry Mattuchio, DAS  
Elizangela Barros, DPL  
Charles Kilb, DPL  
Brian Logan, DPL  
Diana Pirone, DPL  
Cesar I. Lastra, DPL

**Bureau Members Not Present:**

Allan Berry, Refrigeration Technician Member

2. **Minutes:** The draft minutes from the May 16, 2018 Bureau meeting were reviewed. **Motion to approve the minutes made by Dan Dumont, seconded by Frank Norton; motion passed by unanimous vote.**
3. **Review of the following applications to examine:**

**Eric Esposito (RT) – Approved**

Application to examine for Refrigeration Technician's license submitted by Eric Esposito was considered. Mr. Esposito is licensed in NJ as a Master HVACR Contractor and in the County of Rockland (NY) as a Heating and Cooling Mechanical Contractor. Frank Norton questioned Mr. Esposito on his experience in the Refrigeration trade. **Motion to approve the application made by Frank Norton, seconded by Brian Kelly; motion passed by unanimous vote.**



#### 4. Recommendation of changes by the Subcommittee to Define “Inspections” in 528 CMR

- a. **Minutes:** The draft minutes from the May 16, 2018 Subcommittee meeting were reviewed. **Motion to approve the minutes made by John Viola, seconded by Justin Fishlin; motion passed by unanimous vote.**
- b. The Chair addressed the full Bureau regarding the recommendations made by the Subcommittee. The Chair stated that the Subcommittee made the recommendation to change the “Sprinklerfitting” definition in 528 CMR by replacing the word “visual inspection” with “visual observation”. John Viola noted that the change was viewed as a fair compromise amongst the levels of the Subcommittee and the Bureau which would allow the continuing practice of daily and weekly checks with no penalties or violations. Justin Fishlin was in agreement with Mr. Viola’s statement. **Motion to accept the Subcommittee’s recommendation made by Brian Kelly, seconded by Sharon Orr; motion passed by unanimous vote.**
- c. An amended version of the “Official Interpretation of Sprinklerfitter License Requirements on Employer’s Property” was provided to the Bureau members. The amended interpretation updates the language to address the views on visual observations and how they fall outside the scope of the licensing requirements. Mr. Fishlin questioned why the first bullet point of the second paragraph was only limited to fire suppression systems owned by facilities, universities, and manufacturing plants and not all fire suppression systems. Cesar I. Lastra reminded the Bureau members that the draft “Official Interpretation of Sprinklerfitter License Requirements on Employer’s Property”, dated November 15, 2017, was drafted as a response to an inquiry from OPSI inspectors regarding their jurisdictional requirements when inspecting the fire suppression systems at a facility, university, or manufacturing plant. Pauline Lally questioned whether the memorandum would address the OPSI inspectors’ concerns. Mr. Lastra stated that OPSI staff will get the information out to the OPSI inspectors to make them aware of their jurisdiction. **Motion to approve the draft interpretation with the proposed changes made by Justin Fishlin, seconded by Brian Kelly; motion passed by unanimous vote.**

#### 5. Review of draft 528 CMR for further changes

Cesar I. Lastra informed the Bureau members that several documents were provided to them for their review of 528 CMR: a clean copy of the current 528 CMR, a draft of 528 CMR 11 from Charles Kilb, Bureau Counsel, and a handout on the “History of Process Piping Pipefitter License” for the discussion on pipefitting sub tier licenses that was requested by Sharon Orr at the May meeting. Brian Kelly noted that not enough time was given to review the documentation as it was sent out the night before. Ms. Orr stated that she requested to have the topic put on the agenda for discussion and had no intent to produce something instantly, and can wait for the Bureau to review the documentation first. Pauline Lally agreed that nothing would be decided at this meeting, but would entertain the discussion.

Ms. Orr raised concern that, upon reviewing the monthly information provided by Daniel Kilburn, there exists five different pipefitting licensing paths which require the applicant to meet the same requirements of work hours and schooling hours and questioned why an applicant would pursue a sub tier license if they meet the requirements for an unlimited license. Ms. Orr added that Mr. Kilburn provided her with a report to show the number of applicants pursuing the sub tier licenses for the past six months (documentation not made available for the Bureau meeting). Ms. Orr noted that 122 journeyman pursued the unlimited license, whereas five pursued a sub tier license and no one pursued the welders’ licenses. Discussion amongst the Bureau members ensued. Ms. Orr suggested that the Bureau explore the tracks of the Connecticut ‘G8’ license and the Rhode Island ‘Welder 1’ license models to develop a clear track for welders to do their trade.

Mr. Kelly made note of the great amount of public input at the public hearing when the initial legislation passed and thought the Bureau deemed welding certificates and welding pipe different processes after consulting experts. Ms. Orr stated that the ASME B31 piping codes refer to Section IX of the ASME [BPV] Code and is specific to welding pipe. Dan Dumont noted that a grey area exists in terms of enforcement

and how would one monitor to work. Ms. Orr gave the example of working in Rhode Island and having to direct her welders to only weld the piping. Mr. Kelly stated that the intent of the pipefitters license is making sure the person is knowledgeable of the system and the process of welding that system. Ms. Orr stated that the intent of a limited license is to be limited and to consider allowing an alternate path for excellent welders. Leo Fahey raised concerns that a sub tier license in one field will lead to separate sub tier licenses for other fields. Mr. Fahey added that 90% of systems are over pressure, and the pipefitter and welder both need to know what's going on with that particular system. Ms. Orr reiterated that the pipefitter welder license is held to the same standards as the unlimited pipefitter license, yet it is limited. Ms. Orr added that the Bureau should potentially examine the value of the careers and getting in to them.

The Chair made a recommendation to create a subcommittee to evaluate the different pathways of the pipefitting career ladder. Mr. Kelly reiterated that a colorful debate took place that was vetted through Bureau counsel to have the licensing language in place and questioned whether the intent was to do a complete review of 528 CMR. The Chair made the recommendation of establishing several subcommittees to review portions of 528 CMR as it would be very time consuming to do a full review through the full Bureau. Mr. Kelly raised concerns over Bureau members wishing to participate in the subcommittees. Mr. Fahey added that a vote can be made not to have a subcommittee. Mr. Kelly added that every Bureau member should be represented based on their expertise and should have some say. **Motion to create a subcommittee to study different tiers of present licensing and make a recommendation to the Bureau made by Pauline Lally, seconded by Sharon Orr; three (3) votes in favor of the motion (Pauline Lally, Sharon Orr, John Viola), six (6) votes against the motion (Dan Dumont, Leo Fahey, Justin Fishlin, Brian Kelly, Frank Norton, Jennifer Revill), motion fails by majority vote.** John Viola stated that he voted in favor of the subcommittee due to the amount of work that can get accomplished by a subcommittee and the full Bureau still has the authority to approve or deny, and further discuss the topic. The Chair asked that the Bureau members to review the documentation from this meeting and keep the discussion going at the July meeting.

## **6. Open Discussion of Apprenticeship and Pre-Apprenticeship Matters with Division of Apprenticeship Standards Deputy Director Henry Mattuchio**

Henry Mattuchio discussed the topic of auditing the Bureau approved schools and modifying the DAS Certificate of Completion of Apprenticeship to display the work hours and school hours completed by the apprentice, which was presented at the May meeting by Assistant Chief David Sullivan. Mr. Mattuchio noted that the information was given to Mr. Sullivan for review (documentation not made available for the Bureau meeting). Pauline Lally inquired on what were the results of the audit. Mr. Mattuchio stated that the corresponding documentation detailed changes to the contact information and the hours of training. Mr. Mattuchio added that the information would be listed on the Certificate of Completion of Apprenticeship, if correct. Jennifer Revill inquired on what would happen if a program did not have sufficient hours. Mr. Mattuchio stated that programs lacking hours or not responding to the audit would not be accepted. The Chair made a recommendation to table the discussion for further review of the DAS audit documentation. **Motion to table the discussion made by John Viola, seconded by Jennifer Revill; motion passed by unanimous vote.**

The Chair presented a curriculum from Massasoit Community College for consideration as an approved Refrigeration Technician's program to the full Bureau. Brian Kelly inquired whether OPSI staff has reviewed the curriculum and has any recommendations. Cesar I. Lastra informed the Bureau members that OPSI staff is seeking guidance from the Bureau as Department of Public Safety staff that previously approved the Bureau schools is no longer with the agency. Mr. Lastra added that Massasoit Community College was a previously approved Bureau school, but, due to a disconnect in communications, their certification became Null and Void. John Viola was under the impression that the approval of trade schooling was deferred to the Massachusetts Department of Education and, if accredited, agree that certified school and curriculum to be acceptable. Frank Norton added that the Bureau was previously informed that they were not in the school approval business as they lacked the authorities and credentials. However, Mr. Norton did state that the Bureau would be performing the same duties as a review of a vocational school curriculum. Charles Kilb, Bureau Counsel, stated that the regulation explicitly states that courses are approved by the Bureau. Bureau Counsel added that the Bureau is not accrediting or approving the school, but is critical

that the Bureau is involved in the review to mandate curriculum consistency. Mr. Kelly asked whether Bureau Counsel reviewed the curriculum. Bureau Counsel acknowledged that the curriculum appears to be relatively comprehensive, but the issue is an employer registered with DAS is going to need to make sure that their apprentices are enrolled in an approved school and found that Massasoit Community College could not be used as they were not on the list of approved schools. Brian Logan, OPSI Inspector, informed the Bureau members that Massasoit Community College has two campuses in Brockton and Canton. The Canton campus was previously "Blue Hills Technical Regional Institute" and approved by the Bureau before Massasoit Community College took over. Mr. Kelly questioned whether the curriculum specifically met the required regulation hours. Leo Fahey noted that no documentation was present to verify if required regulation hours were met. **Motion to table the discussion for further review made by Frank Norton, seconded by Justin Fishlin; motion passed by unanimous vote.** The Chair stated that OPSI staff would review previously approved programs for comparison and ask to have a representative of Massasoit Community College present at the July meeting.

## **7. Jurisdictional Report by the Office of Public Safety and Inspections**

The Chair requested that the discussion be tabled for discussion at the July meeting. **Motion to table the discussion made by John Viola, seconded by Jennifer Revill; motion passed by unanimous vote.**

## **8. Matters not reasonably anticipated 48 hours in advance of meeting**

- Brian Kelly noted that the topic, "Further Discussion on the Pipefitters License Clarification Letter" was removed from the agenda. Mr. Kelly stated that the matter has been tabled for the last "two months / two meetings" and unlicensed work continues to take place, yet OPSI is not responding because the issue, "is before the Bureau." Mr. Kelly initiated a motion to pull the topic off the table for a vote of the Bureau via Parliamentary Procedure. Charles Kilb, Bureau Counsel, stated that the topic has been tabled due to legal review, which remains ongoing, and was removed from the June meeting agenda for that reason. Bureau Counsel added that the ongoing matter is anticipated as being a major issue that needs to be discussed and does not qualify for the Open Meeting Law exception, therefore the Open Meeting Law overrides Parliamentary Procedure. Leo Fahey inquired whether the Open Meeting Law applies when the agenda is posted or two days before the Bureau meets. Bureau Counsel stated that the Open Meeting Law applies two days (48 hours) before the Bureau meets. Bureau Counsel advised not to deliberate too much as the discussion does not meet the Open Meeting Law. Mr. Kelly informed the Bureau members of a job site accident that took place at UMass Boston five months ago where an unlicensed person was hired to flush the system using a new process that was not vetted and the violence of the accident had the potential to kill the individual. Mr. Fahey stated that the licensing requirements to perform the pipefitting work falls under the licensing law and questioned why "Public Safety" is not sending inspectors to check on licenses and fine unlicensed work accordingly, as in any other job? The Chair thanked Mr. Fahey for the comment, but stated that it would not be deliberated at this time. Mr. Fahey stated that, "maybe the Boston Globe would want to know."

## **9. Motion to adjourn made by John Viola, seconded by Justin Fishlin; motion passed by unanimous vote, meeting adjourned at 11:05 a.m.**

**The next meeting of the Bureau of Pipefitters, Refrigeration Technicians, and Sprinklerfitters will be on Wednesday, July 18, 2018 at 10:00 AM. The meeting will be held at the Division of Professional Licensure, 1000 Washington Street, Room 1D, Boston, MA 02118.**

## **List of Documents/Exhibits Used at this Meeting**

- a. Draft minutes from the Bureau meeting on May 16, 2018
- b. RT Application – Eric Esposito
- c. Draft minutes from the Subcommittee meeting on May 16, 2018
- d. Draft “Official Interpretation of Sprinklerfitter License Requirements on Employer’s Property” (Amended May 15, 2018)
- e. 528 CMR: BUREAU OF PIPEFITTERS & REFRIGERATION TECHNICIANS
- f. Proposed Changes to 528 CMR 11.00: PREREQUISITES FOR EXAMINATIONS FOR PIPEFITTERS, REFRIGERATION TECHNICIANS, AND SPRINKLER FITTERS (February 21, 2018)
- g. History of Process Piping Pipefitter License
- h. Sub-Categories of Pipefitting Exams Last Six Months
- i. Massasoit Community College’s Refrigeration Technician Curriculum
- j. Pass Fail Rates – Bureau Approved Licenses – April 2017 to May 2018
- k. Bureau of Pipefitters, Refrigeration Technicians, and Sprinkler Fitters – Compliance Inspection Report (June 20, 2018)