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Minutes

Bureau of Pipefitters, Refrigeration Technicians, and Sprinkler Fitters
Division of Professional Licensure
1000 Washington Street, Room 1D
Boston, MA 02118
February 20, 2019, 10:00 AM

1. Meeting called to order by the Chair at 10:04 AM, followed by roll call, the Chair asked that members identify themselves and whom they represent:

Bureau Members Present:

David F. Sullivan, Chair
Frank Norton, Boston Refrigeration Contractors
Sharon Orr, Mechanical Engineer
John Viola, Sprinkler Contractor Member
Scott King, Pipefitter Member
Allan Berry, Refrigeration Technician Member
Dan Dumont, NE Mechanical Contractors
Justin Fishlin, Sprinkler Fitter Member
Pauline Lally, User Member
Jennifer Revill, Public Member

Bureau Members Not Present:

Brian Kelly, Mass. Building/Construction Trades

2. **Listening session for comments on the current 528 CMR: Bureau of Pipefitters & Refrigeration Technicians regulation (10:00 AM to 11:00 AM)**

Under the direction of Daniel Kilburn, District Engineering Inspector Supervisor, the listening session began at 10:10 AM. Mr. Kilburn informed the guests in attendance that the purpose of the listening session was to allow the guest to provide comments and changes to the Bureau's regulation that is currently in effect and requested that written comments are submitted in addition to the verbal comments made at the meeting. Mr. Kilburn added that interested parties not commenting at the listening session may submit written comments to Cesar I. Lastra by no later than March 6 2019.

With no members of the legislator present to start the listening session, the following individuals made comments relating to the 528 CMR that is currently in effect:

- Americo Colon Lopez – Concerns over the additional training requirements and lack of schooling available. Mr. Lopez noted that the current list of approved schools offer training to attain the Refrigeration Technicians license, but there are no approved schools for the additional training to



attain the Refrigeration Contractors license. This results in applicants having to attain repetitive training in order to sit for the exam.

- Steve Neveu, Notch Mechanical – Recommended the following:
 - Eliminating the Pipefitting licenses with the welding endorsements (PJ-01-W, PJ-02-W, PM-01-W, and PM-02-W) as they are redundant and are covered by the ASME codes adopted by the Bureau under 528 CMR.
 - Establishing a limited Journeyman Pipefitter Welder license to comply with the statutory language. Licensure would apply to the work under the scope of 528 CMR under the employment of a Massachusetts Master Pipefitter and would require examination.
 - Seeking clarification on who can work on welded refrigerant piping systems.

Written comments were provided to the Bureau for their review.

- Tom Favazza – Providing more information regarding licensure of Refrigeration Contractors, in particular the notification of schooling related to the license. Mr. Favazza added that the issuance of fines rather than warnings by OPSI Engineering Inspectors should be reviewed.
- Mike Langone – Concerns over UMass Amherst performing pipefitting work within the scope of 528 CMR without duly licensed Massachusetts Pipefitters. Mr. Kilburn and Charles Kilb, Bureau Counsel, noted that the statute exempts employees of UMass Amherst from licensure to perform the pipefitting work on UMass Amherst property, but added that the exemption does not apply to contractors.
- Doug Neveu, Notch Mechanical – The lack of a standalone pipefitting welder's license eliminates labor opportunities in Massachusetts. Mr. Neveu added that creating a standalone pipefitting license would promote interstate commerce with surrounding jurisdictions that do allow for qualified welders to weld pipefitting pipe.
- Manny Chaves – The current system discourages qualified individuals from attaining a Massachusetts Refrigeration Technicians license. Should be made easier for qualified individuals to allow to sit for examination, especially those individuals with training and experience from another jurisdiction.
- Ed Bickford – Amend the language of 528 CMR to allow Apprentice Sprinkler Fitters to sit for examination without having to produce a letter of work experience from the Sprinkler Fitter Contractor. Mr. Bickford stated that Apprentice Sprinkler Fitters attain their education but, cannot sit for the Journeyman Sprinkler Fitter exam until the Sprinkler Fitter Contractor produces a letter to acknowledge their work experience, resulting in situations where the Apprentice Sprinkler Fitter cannot advance their career out of fears that they will leave their employer.
- Leo Kulhavy – Concerns over the licensing training for experienced individuals to attain a Refrigeration Technicians license or a Refrigeration Contractors license. Mr. Kulhavy noted that experienced individuals are not benefiting from having to attain basic training in order to sit for examination. Mr. Kulhavy acknowledged the comments made by Mr. Chaves and added that qualifications of individuals in the military should be taken in to consideration. Mr. Kilburn and Cesar I. Lastra informed Mr. Kulhavy that there is a separate statute in place that addresses the qualifications of individuals in the military.

With no further comments, the listening session concluded at 10:37 AM.

A short recess followed the conclusion of the listening session. The meeting resumed at 10:50 AM

3. Minutes: The draft minutes from the January 16, 2019 Bureau meeting were reviewed. **Motion to approve the minutes made by Sharon Orr, seconded by Justin Fishlin; motion passed by unanimous vote.**

4. Review of draft 528 CMR for further changes

- Allan Berry opened the discussion by addressing the comments made at the listening session regarding qualified individuals from other jurisdictions and stated that these individuals can go before the full Bureau to have their credentials reviewed to determine if they qualify for examination. Mr. Berry added that these individuals should reach out to Mr. Lastra for assistance.
- Sharon Orr questioned whether matters regarding refrigeration welding should be addressed at this time. Scott King noted that the question was whether a Pipefitter can weld on a refrigeration system. Mr. Kilburn noted that he will look in to the matter for further discussion.
- Bureau Counsel informed the members of an updated draft 528 CMR provided which addresses the pipefitter welder license matter and eliminates all the existing classifications. The draft provided at the meeting did not address the requirement for examination, but did recognize the certifications required to weld. Ms. Orr recommended adding a definition for “welding” for clarification on welding operations.
- Dan Dumont addressed the comments made by Mr. Bickford regarding the situations where the Apprentice Sprinkler Fitter cannot advance their careers as the Sprinkler Fitter Contractor will not produce work experience documentation for examination. Bureau Counsel stated that the matter may be a disciplinary issue, but Mr. Bickford would need to submit a formal complaint. Bureau Counsel added that the regulatory language for Master/Contractor obligations may be tightened to address these issues. Mr. Berry questioned whether pay stubs would be acceptable forms of documenting work experience, but Bureau Counsel noted that pay stubs do not specify the work that was performed. Mr. Bickford stated that filing a formal complaint may result in disciplinary actions from the employer.

5. Discuss the development of Bureau Model Frameworks

- Bureau Counsel informed the Bureau members of the intentions to develop Refrigeration model frameworks to establish hours for licensure of students entering the Refrigeration trade upon completion of attending a vocational school. Such exercise would resemble the Pipefitting pilot program framework that the Bureau previously approved where vocational students can receive partial credit to pursue a Bureau pipefitting license in the future.
- Mr. Berry informed the Bureau members that he’s heard from vocational schools that were under the assumption that the Department of Public Safety set the frameworks, but questions of relevance in material came in to question. Mr. Berry added that promoting entrance in to the Refrigeration trade should be considered as there is a labor shortage. Aiden Maguire recommended reaching out to the Massachusetts Department of Elementary and Secondary Education (“DESE”) for development of framework, but Bureau Counsel noted that the DESE relies on the licensing board to develop the framework for their use. Richard Zaker emphasized the long and successful precedent of vocational school students in the trade. Mr. Berry noted that there is confusion amongst the number of hours credited for licensure upon completing a vocational school program. A discussion regarding the approval of vocational schools by the Department of Public Safety ensued. Mr. Kilburn informed the Bureau members and the audience that the approvals by the Department of Public Safety were done by the Engineering Supervisor and some of the Engineering Inspectors, but approvals will transition to the Bureau instead of the OPSI staff going forward. Bureau Counsel emphasized that the Bureau needs to determine what the education needs to be

for anyone seeking a license and then compare the Bureau's framework with the HVAC vocational framework to determine what material is relevant with the Bureau's framework for credit. **Motion to form a subcommittee for the development of Bureau Refrigeration frameworks made by John Viola, seconded by Jennifer Revill; motion passed by unanimous vote.** Bureau Counsel added that previously approved vocational schools remain approved until the Bureau changes that approval. Schools not previously approved will not be granted credit until approved by the Bureau.

6. Review of online schools to attain a Master Pipefitter and Refrigeration Contractor license

- Quinsigamond Community College ("QCC") submitted a 100 hour online training course for individuals seeking to attain the Refrigeration Contractor license. QCC has an approved training program for Refrigeration Apprentices working for 4,000 hours. Robert Recko of QCC informed the Bureau members that his proposal is a result of OPSI Inspector compliance checks finding Refrigeration Technicians acting as Refrigeration Contractors. These individuals are looking to comply, but noted that there is no course approved for the additional 100 hours to attain the Refrigeration Contractors license. Mr. Recko is seeking guidance from the Bureau to develop the online course for further review. Mr. Kilburn noted that there is a pressing need to get the industry in to compliance and, to resolve the issue, the approval should be delegated to the Office for review and approval to expedite the process. **Motion to delegate review and approval by Daniel Kilburn and Cesar I. Lastra made by Dan Dumont, seconded by Allan Berry; motion passed by unanimous vote.** Bureau Counsel stressed that the Bureau members should be informed of the results of the delegation at the next meeting.
- The Technology Learning Center ("TLC") submitted online courses for 100 hours towards attaining the Master Pipefitters license and 350 hours toward attaining the Journeyman Pipefitters license. The TLC has an approved training program for Pipefitting Apprentices working for 6,000 hours. Mr. Kilburn recused himself from the discussion as he is a part time employee of the TLC. Bureau Counsel stated that the previous vote should be amended to reflect Mr. Kilburn's involvement as a part time employee of the TLC and the delegation should be made to OPSI staff. **Motion to amend the previous motion to delegate the review and approval to OPSI staff instead of Daniel Kilburn and Cesar I. Lastra made by Dan Dumont, seconded by John Viola; motion passed by unanimous vote.**

7. Discussion of Apprenticeship Matters with DAS Deputy Director Henry Mattuchio

The Chair informed the Bureau members that letters of compliance were sent out to union shops and open shops to remind them that they need to be registered with the DAS and apprentices need to be licensed with the OPSI. The Chair added that a draft dual application for the DAS and the OPSI is before the Bureau members for their review to expedite the registration and licensing process. Mr. Lastra informed the Bureau members that the following changes were made:

- OPSI non-refundable license fee of \$40 added along with the DAS registration fee. (Page 1)
- Highlighted text in yellow acknowledges the requirement to attain a Bureau license and registration with the DAS. (Page 1)
- The box title "To be completed by the Apprentice" addresses the information required by the OPSI to issue an apprentice license and requires that the applicant lists the license number of the Master/Contractor license they'll be working under. (Page 2)
- Highlighted language addresses the requirements for Bureau licensure. (Page 3)

Motion to approve the draft DAS and OPSI dual application made by Dan Dumont, seconded by Sharon Orr; motion passed by unanimous vote.

8. Jurisdictional Report by the Office of Public Safety and Inspections

Mr. Kilburn presented the OPSI jurisdictional report for the month of January. Mr. Kilburn informed the Bureau members that the rate of noncompliance remains the same as in previous months with the focus of fines on Refrigeration Technicians acting as Refrigeration Contractors. Six warnings were issued by OPSI Engineering Inspectors on work vehicles without listed license numbers which resulted in finding operations taking place without duly licensed Refrigeration Contractors.

9. Matters not reasonably anticipated 48 hours in advance of meeting

- No discussion on matters not reasonably anticipated 48 hours in advance of the meeting.

10. Motion to adjourn made by Scott King, seconded by Allan Berry; motion passed by unanimous vote, meeting adjourned at 12:50 PM.

The next meeting of the Bureau of Pipefitters, Refrigeration Technicians, and Sprinkler Fitters will be on Wednesday, March 20, 2019 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 January 16, 2019
- b. 528 CMR: BUREAU OF PIPEFITTERS & REFRIGERATION TECHNICIANS
- c. Proposed Changes to 528 CMR (February 20, 2019)
- d. Quinsigamond Community College: 100 hour online Refrigeration Contractor training course proposal
- e. Technology Learning Center: 100 hour online Master Pipefitter course and 350 hour online Journeyman Pipefitter course
- f. Draft Dual Apprenticeship Agreement Application – DAS & OPSI
- g. Bureau of Pipefitters, Refrigeration Technicians, and Sprinkler Fitters – Compliance Inspection Report (February 20, 2019)