

THIS IS A DRAFT

State of Oregon

OREGON STATE BOILER BOARD

Regular Meeting Minutes
June 3, 2003

- MEMBERS PRESENT:** Dale McLouth, Chairman
John Endicott, Vice Chairman
Dennis Coplin
William Fernelius
Steve Nelson
Thomas Perritt
John Pyle
Russell Williams
- MEMBERS ABSENT:** Robert Cowling (*excused*)
Nelson White
Fred Widman (*excused*)
- STAFF PRESENT:** Mark Long, Administrator of Building Codes Division
Andrea Simmons, Interim Manager of Policy
and Technical Services
Ray Andrus, Chief Boiler Inspector & Board Secretary
Jim Hanson, Senior Policy Analyst
Gary Basin, Assistant Manager of Statewide Services
Clay Rhodes, Assistant Chief Boiler Inspector
Roseanne Nelson, Interim Manager of Regulatory Services
Allen Aschim, Chief Compliance Officer
Louann Rahmig, Rules Coordinator
Joan Davies, Policy Analyst
Richard Baumann, Policy Analyst
Debi Barnes-Woods, Division Boards Coordinator
- GUESTS PRESENT:** Jerry Lanz, Lanz Boiler
Rodger Vignery, TCM Corporation
Ed Pitzrick, Chubb
Mike Jurkiewicz, Local 290
Tom Lindberg, Consulting
Ted Hockaday, Local 140 and 290
Greg Evanson, Vancouver Welding
Bertha Kirk, Local 140 SEIU
Mark Heffy, TIC
Tim Pollard, Carbonic Systems
Ken Cropper, Local 140 SEIU
Tina Jacky, Local 140 SEIU
Ray Fosnot, Local 140 SEIU
Mason Young, Local 140 SEIU
Gary Penkava, HSB-CT

I. BOARD BUSINESS

I.A. Call to Order

Chairman Dale McLouth called the Oregon Board of Boiler Rules to order at 9:30 a.m. The meeting was held at the Building Codes Division, 1535 Edgewater NW, Salem, Oregon.

I.B. Roll Call

Robert Cowling and Fred Widman were absent, (excused). Nelson White was absent, (not excused).

I.C. Approval of Agenda and Order of Business

Chairman reserved time to speak before the meeting adjournment

Chairman McLouth **RULED** the agenda approved as amended.

I.D. Approval of the Regular Board Meeting Minutes of March 4, 2003.

Correction to the March 4 meeting minutes was as follows:
Page 7, last paragraph; delete TLM, insert TCM.

Chairman McLouth **RULED**, regular meeting minutes approved as amended.

I.E. Date of the Next Regularly Scheduled Meeting

September 9, 2003

II. PUBLIC COMMENT

Ted Hockaday, Local 140 and 290, has been a member of the local for more than 30 years and worked at Portland public schools for 24 years before his retirement. His testimony referred to the training class that was one week in duration, which covered boilers and heating systems installed in schools. All maintenance and care of boilers and burners were covered in class as part of the curriculum. Originally, the required training was for 40 hours, which was reduced to 24 hours due to budget cuts. Now the training class is eight hours, which is not enough time to cover safety issues and maintenance.

Chairman McLouth understood Mr. Hockaday's concerns and said that a task force was appointed to investigate and review issues.

Mr. Hockaday answered a few questions due to his experience with the school district, such as explaining the tier advancement. To become a head custodian, you first start by cleaning fireboxes and cleaning boiler filters, burner tips and punching tubes. He said it was a two year on-the-job training period before an individual could become a head custodian. Due to the lack of training, when oil spills occur, the oil is being swept down the floor drains, boilers are not being maintained and have little or no preventative maintenance.

Dennis Coplin said that he heard that a statewide movement is taking place to change all contracts.

Ken Crooper, Local 140 SEIU, had heard the same, and tried to attend the seminar sponsored by the Oregon Rehabilitation Association only to find that it was a closed internal training class.

Tom Lindberg, member of the Electrical and Elevator Board, former member of the Board of Boiler Rules, said that he has taught classes to new custodians. Mr. Lindberg said that the syllabus that was outlined for approval was too difficult for the students. Mr. Lindberg reverted to teaching basic information.

Bertha Kirk, Local 140 SEIU, said that when the keys were distributed to the new custodians contracted through Portland Habilitation Center, the individuals did not know what the keys went to or how to use them.

Rodger Vignery, TCM Corporation, said now that the Board is aware of the problems, a task force was appointed to review solutions.

It was brought to the Board's attention that all the individuals who testified at the December Board meeting as well as this meeting have more than 10 years experience working with boilers at the school district. Steve Nelson said that the issue is not the lack of training, it is the lack of qualified experience. Spending monies on training for individuals who do not plan to make the custodial job a career, will not solve the problem at hand.

John Pyle felt that before school is back in session following summer vacation, action should be taken. Dennis Coplin agreed and suggested that the Board make a request to Portland Public School District for an outline of steps taken to rectify the issue at the September Board meeting. Chairman McLouth reminded the Board of the duties the newly appointed task force is faced with.

Chairman McLouth suggested that the Division develop a video tape showing the results of a mismanaged or improperly maintained boiler for the Portland Public School District Board members. Chairman McLouth also questioned whether safety records are kept.

End of discussion for the Portland Public School District.

Tim Pollard, Carbonic Systems, Inc., distributed copies of a letter, *Exhibit "A"*, that had been mailed to the Chief Boiler Inspector asking for a complete exemption for bulk CO₂ pressure vessels. Clay Rhodes, Assistant Chief Boiler Inspector, expressed his concern with the discharge piping being a plastic tube doing 400 PSI. Chief Andrus stated that anything over 15 PSI is a regulated vessel. Due to some safety concerns, the board did not feel comfortable with making a decision about the vessels without a thorough review of the handout. Chairman McLouth informed Mr. Pollard that the Board would take the CO₂ vessels under advisement.

(Break)

III. REPORTS

Roseanne Nelson, Interim Manager of Regulatory Services gave a brief report on boiler compliance. As of the end of May, the Division had received 463 compliance cases. Out of those cases, 52 are boiler violations. Once cases are received at the Division, she reported it takes four to five months for the cases to be finalized.

A. Compliance Cases – Roseanne Nelson and Allen Aschim

- 1. Repeat Violator, Total Mechanical, Inc.,** was in violation of making an installation of high pressure valves without a pressure system alteration permit. A previous violation with a consent order in March 2000 was noted. The division recommended approval of a default order. Manager Nelson added that the company refused to sign a served stipulated order. They did not agree with conditions of the order, such as the Division having the right to review the company's records. Instead, the company paid the full amount of the penalty. Chief Aschim said that the company has been notified of the next step if another violation were to occur. That step would be that the company may lose their license.

MOTION by Chairman McLouth to adopt Division recommendation for approval of the default order.
MOTION CARRIED UNANIMOUSLY

Chief Aschim gave detailed information of the previous violations that could lead to license revocation due to the three violations.

Chairman McLouth asked whether, since Total Mechanical has legal representation, the Division should have a lawyer discussing the matter. Manager Simmons explained the Division has legal representation, which is the Attorney General, although Manager Nelson and Chief Aschim represent the Division in this matter. Chief Aschim offered to contact the company's legal representation again to ensure that the information is conveyed to the company that they may lose their license.

Manager Simmons offered to assist the compliance staff by reviewing the case file, coming up with resolutions and reporting back to the Board.

MOTION by Chairman McLouth to begin proceedings to suspend the company's license pending contact from the Division with additional findings, and following connecting with the attorney for Total Mechanical, Inc. to explain that the next step may be to revoke the company's license if another violation occurs.

MOTION CARRIED UNANIMOUSLY

B. Summary of compliance actions previously taken by the division for cases III.b.1 through 10. (No board action required)

There was no discussion for this agenda item.

C. Staff Report

1. Task Group Update – Gary Basin (This discussion was combined with item 3 Owner Installation Update)

2. Overdue Inspection Update – Gary Basin

Mr. Basin reported that in 2001 the Board expressed their concerns with the amount of overdue inspections conveyed. Actions were taken based on Board direction. One action was to formulate a work group to address the overdues. As a result of those meetings, an on-line interactive inspection program data base was developed. Once completed, inspectors will be updating the data base as inspections are finalized.

3. Owner Installation Update – Gary Basin

At the May 2, 2003, Special Teleconferencing Board meeting, the Division was directed to establish a work group to gather information pertaining to minimum maintenance standards. The Boiler/Pressure Vessel Safety Improvement work group was formed. The individuals contacted were those representing the boiler industry, Board members, insurance inspectors, health care industry, school districts and higher education facilities. The first meeting is scheduled for Thursday, June 5, 2003, at 9 a.m., in the Division's conference room "A". Boiler maintenance standards, boiler operator standards, installation and alteration repair safety standards will be discussed. Addressing concerns with safety and determining current authority under Statute and the Administrative Rules will be part of the discussion.

4. Update on maintenance of boilers – Ray Andrus

Chief Andrus reported on the findings following review of the Portland Public School District's incidents with boilers. Chief Andrus said that on December 12, 2002, Beaumont Middle School suffered a low-water dry-fire incident. Chubb inspector, Ed Pitzrick and deputy inspector, Mike Butters conducted a thorough internal investigation and inspection of the site. The findings were mechanical. Failure of a low water switch was detected. The failure could not have been avoided. Chief Andrus added that in January 2003, the boiler program received letters of concern regarding operation and maintenance of boilers in various locations within Portland Public School District. As a result of those letters, the Chief contacted the insurance company for a review of reported fuel oil leaks, black smoke from stacks, overfeeding the boilers with feed water, hot and cold room complaints and a lack of training of the current custodial staff in the various locations. The insurance company conducted an investigation of six schools with the findings:

- ? Maintenance was adequate.
- ? Safety controls in testing met code requirements.
- ? Housekeeping was adequate in four out of the six locations.
- ? Custodial day-to-day operation proficiency was adequate in two locations; four locations received a recommendation for further training.

Following the investigation, the insurance company met with Portland Public School representatives to review the results. Changes were made and the overall results from the insurance company was that, "The school district has set up controls to ensure the contractor's obligations will be followed."

The state boiler program sent five deputy inspectors to inspect 10 schools in the Portland school district, unannounced. The inspection results were as follows:

- ? All boiler rooms were in satisfactory condition.
- ? All boiler controls were functioning as designed.
- ? Custodial day-to-day operation proficiency was adequate.
- ? Custodial checklists were completed and up-to-date.
- ? All custodians had received additional training.
- ? All custodians had contact numbers for maintenance and knew whom to contact if problems occurred.
- ? All custodians were able to communicate a boiler shut down if an emergency occurred.

Items that needed further attention were as follows:

- ? Oily rags found in plastic buckets rather than in the proper containers in two of the 10 schools inspected.
- ? A leaky oil fuel pump in one of the 10 schools inspected.
- ? Water found around the condensation tank system in one of the 10 schools inspected.
- ? Permits were posted in the office and not in the boiler room in one of the 10 schools inspected.

Mason Young, Local 140 SEIU, asked whether the school district or the Division chose the schools that were inspected. Chief Andrus' answer was that the Division randomly solicited the schools through the computer with having no notice of the inspections.

5. Legislative update

Mark Long, Administrator of Building Codes Division, distributed copies of, *Exhibit "B"*, Proposed Legislation. The document contained bills the Division was tracking. (<http://www.oregonbcd.org/whatsnew/legis.html>)

SB 198 is the Division's bill that has passed. It will give the compliance section another tool to revoke or suspend those licensed individuals or businesses that do not have a CCB registration.

HB 2564 has passed. It will allow the Division to create a single contractor/owner license so businesses can apply on one application form, pay one fee, and have one renewal date.

HB 2627 if passed, would require an electrical contractor's license to advertise as a business that performs electrical installations. The bill has passed the House and is on the Senate side, waiting for additional provisions to be added.

SB 710, if passed, would create assistant regional chiefs in areas located throughout the state to establish consistency and uniformity with application to code, and to assist with compliance issues.

SB 711, SB 713, SB 714 and SB 715 have passed the Legislature and are on the Governor's desk for signature. These bills will provide alternatives for rapid permit approvals for industrial sites; increase efficiency by utilizing new technologies; facilitate construction; and contribute to economic development efforts.

HB 3460 would restructure the Building Codes Structures Board and create a Residential Board consisting of nine members, a Mechanical Board consisting of nine members and sunset the Tri-County Building Industry Service Board, as well as create a low-rise residential code broader than the One –and Two-Family Dwelling Code.

Administrator Long noted that the Division's budget has passed through the House and subcommittee. The Division was concerned with the progress of the fee bill. The bill focused on three areas, (1) the legislative-directed fees, (2) the customer-requested fees, and (3) the operation fees. Administrator Long said the Division will be moving toward a more activity-based budget structure that would identify revenue sources.

The statewide code interpretation process was discussed and how it would be implemented. Items of concern, such as interpretation questions, and getting direction when issues arise with inspectors, will be handled through the newly formed Sanctions Review Advisory Committee.

An ongoing effort of improving the current process for compliance enforcement will be a continued focus.

The Board was advised that the Division's current computer system for licensing has the capability of performing its functions for two more years. The Division will be looking into purchasing a new system, or a canned system to interact with the Web by getting information to licensed individuals in a more efficient manner.

A question from the audience was whether the boiler operator training would be re-funded as part of the budget.

Chairman McLouth expressed his appreciation to the Board members for their ongoing efforts to make a difference in the state of the economy by not submitting travel expense forms and requesting per diem for each Board meeting.

IV. COMMUNICATIONS - None

V. APPEALS - None

VI. UNFINISHED BUSINESS - None

VII. NEW BUSINESS - None

IX. ADJOURNMENT

Chairman Dale McLouth adjourned the meeting at 12:35 p.m.

Debi Barnes-Woods
Division Boards Coordinator/Recorder

Exhibits:

- A. Letter to Ray Andrus from Carbonic Systems Incorporated”, *Agenda Item II.*
- B. Proposed legislation report, *Agenda Item III.C.5.*

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<http://www.cbs.state.or.us/external/bcd/pdf/2568.pdf>