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CHARLES BORSTEL
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Minutes

Bureau of Pipefitters, Refrigeration Technicians and Sprinklerfitters
Division of Professional Licensure
1000 Washington Street, Room 1D
Boston, MA 02118
February 21, 2018, 10:00 AM

1. Meeting called to order by the Chair at 10:02 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
Allan Berry, Refrigeration Technician Member
Brian Kelly, Mass. Building/Construction Trades
Sharon Orr, Mechanical Engineer
John Viola, Sprinkler Contractor Member

Bureau Members Not Present:

Jennifer Revill, Public Member
Leo Fahey, Pipefitter Member

Guests Present:

Kenneth Jordan, PM Applicant
Daniel Uylaky, SJ Applicant
Mark Fortune, Sprinklerfitters Local 550
Karl Hudson, L.C. Anderson, Inc.
Matt Jones, Sprinklerfitters Local 550
Barbara Lagergren, Gould Construction Institute
Bill Paul, Piping Systems, Inc.
Melissa Peters, Notch Mechanical
Elizangela Barros, DPL
Charles Kilb, DPL
Daniel Kilburn, DPL
Steve Lorusso, DPL
David Sullivan, DPL
Cesar I. Lastra, DPL

2. **Minutes:** The draft minutes from the January 17, 2018 Bureau meeting were reviewed. **Motion to approve the minutes made by Frank Norton, seconded by John Viola; motion passed by unanimous vote.**
3. **Review of the following applications to examine:**

Kenneth Jordan (PM) – Denied

Application to examine for Master Pipefitter's Unrestricted license submitted by Kenneth Jordan was considered. Mr. Jordan does not hold a license in Massachusetts, but stated to have worked in 34 different states without a license through his union. **Motion to deny the application made by John Viola, seconded by Frank Norton; motion passed by unanimous vote.**



Kenneth Jordan (PJ) – Approved

Motion to allow Mr. Jordan to sit for the Journeyman Pipefitter’s Unrestricted license exam made by John Viola, seconded by Pauline Lally; motion passed by unanimous vote.

Daniel Uylaky (SJ) – Approved

Application to examine for Sprinkler Journeyman’s license submitted by Daniel Uylaky was considered. Mr. Uylaky holds a Fire Protection Unlimited Journeyman license in Connecticut and has completed the AFSA four level apprenticeship training program. **Motion to approve the application made by John Viola, seconded by Justin Fishlin; motion passed by unanimous vote.**

4. Discussion of Draft Guidelines for Applications Going Before the Bureau

Cesar I. Lastra, Technical Code Coordinator, addressed the Bureau members on the updates made to the draft “Guidelines for Applications Going Before the Bureau”. These updates included the submission of “Letters of Good Standing” from the licensing jurisdiction outside of Massachusetts and the inclusion of criteria language to attain a Massachusetts Pipefitters and Sprinklerfitters license that resembled the criteria to attain the Refrigeration license. Mr. Lastra requested from the Bureau members clarification on the criteria to attain the Massachusetts Fire Protection Sprinkler Contractor License as it relates to the language of 528 CMR 11.04(2)(b)(4.) and if the language was in addition to the 8,000 hours required to attain the Sprinklerfitter Journeyman license. 528 CMR 11.04(2)(b)(4.) states the following:

Must have five years of experience in the fire protection sprinkler system business in a responsible position such as managing, preparing technical drawings, or performing installation and provide written proof from his employers detailing his length of time and positions held.

Justin Fishlin interpreted the language as 10,000 hours to attain the Massachusetts Fire Protection Sprinkler Contractor License, not 18,000 hours. Mr. Fishlin added that the 300 hours of study in a sprinkler training course listed in 528 CMR 11.04(2)(b)(3.) are a minimum requirement, not in addition to what has previously been attained. The Chair inquired whether the five years (10,000 hours) of experience are considered if the applicant is in the sprinklerfitting business for that period of length or if they hold the sprinklerfitter license for that period of length. A discussion amongst the Bureau members ensued. Pauline Lally referenced the language of 528 CMR 11.04(2)(b)(4.) which states, “five years of experience in the fire protection sprinkler system business in a responsible position such as managing, preparing technical drawings, or performing installation”. John Viola stated that a responsible management position and holding the sprinkler contractors' license from their jurisdiction should suffice with the five year requirement. Mr. Viola added that the National Institute for Certification in Engineering Technologies (NICET) should be considered as a credible valid program. The Chair stated that NICET should be contacted before a decision is made. Brian Kelly raised concerns over the criteria not reflecting the minimum requirements in Massachusetts and leaving it to interpretation. Mr. Kelly requested that the criteria language mirrors the Massachusetts regulations. Sharron Orr raised concerns over individuals with extensive experience in the trades having to be required to attain education. The Chair stated that OPSI staff will work on producing draft criteria that mirrors the regulation for review at the next meeting. Mr. Fishlin recommended that the “Letters of Good Standing” from the licensing jurisdiction outside of Massachusetts are within three months of application submission.

5. Introduction of the Subcommittee to Define “Inspections” in 528 CMR

The Chair informed the Bureau members that a meeting of the Subcommittee to Define “Inspections” in 528 CMR will take place at 1 p.m. The subcommittee will address the changes to the statutory language regarding the inspection of fire protection sprinkler systems.

6. Proposed Changes to 528 CMR

Bureau Counsel Charles Kilb presented to the Bureau members a first draft version of 528 CMR 11.00 that removes the grandfathering language that is no longer applicable, removes the high school graduate requirement to attain the apprentice pipefitter's license, and creates section 11.07 to address the methods to attain credit towards a Bureau license. Bureau Counsel informed the members that the intent of section 11.07 was to address the following: individuals who hold licenses from other jurisdictions, vocational technical programs, and giving the Bureau the power to give credit for other Massachusetts licenses, such as plumbing. Bureau Counsel also drafted language in the event of a potential statutory change to the age requirement associated to the Refrigeration Apprentice license. The Chair informed the members that a statutory change requires the submission of a bill in January for a two (2) year cycle whereas regulation changes are shorter in that they take six (6) to nine (9) months. Bureau Counsel added that Bureau members should take the opportunity to review the regulations at this time to make any further changes. The Chair recommended that Bureau members review the draft regulation for discussion at the next meeting.

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

The Chair informed the Bureau members that he met with the Greater Lawrence Technical School regarding interest to the stand alone Pipefitting program that was approved by the Bureau, but inquired whether the Bureau will allow a portion of hours credited from another trade's program towards a Pipefitter's license. Henry Mattuchio, Deputy Director of the Division of Apprentice Standards (DAS), was not present at the meeting, but David Sullivan, Assistant Chief of Inspections for Buildings and Engineering, addressed the Bureau in his place. Mr. Sullivan reiterated to the Bureau members the interest in attaining a fixed number of hands-on hours and classroom hours from the HVAC framework towards the Pipefitting license. A discussion amongst the Bureau members ensued. Justin Fishlin recommended breaking up the 150 schooling hours and 1,500 work hours of the approved Pipefitting pilot program in to thirds for each of the frameworks in HVAC, Plumbing, and Metal Fabrication (50 schooling hours and 500 work hours). By doing so, Mr. Fishlin stated, that it leaves it to the student to decide the direction to take and not be persuaded by extra hours and experience from the other trades. The Chair recommended that the Bureau members look at the frameworks from the other strands at the next scheduled meeting. Frank Norton stated his support of Mr. Fishlin's recommendation, but requested that the Bureau reviews the HVAC framework for discussion at the next scheduled meeting.

8. Enforcement by the Office of Public Safety and Inspections

Daniel Kilburn, District Engineering Inspector Supervisor, provided the Bureau with a report on the OPSI compliance. Mr. Kilburn stated that Bureau license non-compliance hovered around 3% to 4% (3 to 4 out of every 100 people work without a license). An inquiry regarding repeat offenders was made at the previous Bureau meeting. Mr. Kilburn informed the Bureau members that the OPSI Civil Fines system does not have records on second offenses, at this time. Mr. Kilburn added that a warning issued by an OPSI inspector is not recorded as an offense, therefore, a warning to a subsequent first offense is recorded as a first offense.

The Chair inquired on the situations why someone would not be licensed. Mr. Kilburn stated that the individuals performing the work are generally aware of the license requirements, but are not licensed for some reason. The Chair stressed the role of OPSI inspectors as educators before enforcers, but does not want to be taken advantage. Brian Kelly added that individuals previously dropped their Bureau licenses due to the lack of enforcement. Mr. Kilburn informed the Bureau members that the intent is to resolve licensing problems in a timely manner and, if unlicensed, provide support to bring individuals in to compliance. Justin Fishlin inquired on how the issuance of fines are determined. Mr. Kilburn stated that fines are issued at the discretion of the OPSI inspectors and takes in to consideration damages, threats to public safety, investigations, and/or to discourage non-compliance. Frank Norton inquired on who is the

individual that is fined for allowing unlicensed work. Mr. Kilburn stated that the individual fined for allowing the unlicensed work is whomever is acting in that role at the time of the offense.

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 Allan Berry, seconded by John Viola; motion passed by unanimous vote, meeting adjourned at 11:34 a.m.

The next meeting of the Bureau of Pipefitters, Refrigeration Technicians, and Sprinklerfitters will be on Wednesday, March 21, 2018 at 10:00 AM (Rescheduled for Wednesday, April 18, 2018 due to inclement weather). 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 meeting on January 17, 2018
- b. PM Application – Kenneth Jordan
- c. SJ Application – Daniel Uylaky
- d. Draft Guidelines for Applications Going Before the Bureau (February 21, 2018)
- e. Proposed Changes to 528 CMR 11.00: PREREQUISITES FOR EXAMINATIONS FOR PIPEFITTERS, REFRIGERATION TECHNICIANS, AND SPRINKLER FITTERS (February 21, 2018)
- f. Heating, Ventilation, Air Conditioning & Refrigeration Framework – Pipefitting
- g. Heating, Ventilation, Air Conditioning & Refrigeration Framework – Refrigeration
- h. Bureau of Pipefitters, Refrigeration Technicians, and Sprinkler Fitters – Compliance Inspection Report (February 21, 2018)