Board of Boiler Rules
Meeting agenda
Tuesday, December 6, 2016, at 9:30 a.m.
Conference Room A
Board meetings are broadcast live via the Internet
Click on “View live meetings”

I. Board business
   A. Call to order
   B. Roll call
   C. Approval of agenda and order of business
   D. Approval of the September 13, 2016, draft board meeting minutes
   E. Date of the next regularly scheduled meeting: March 7, 2017

II. Public comment
   This time is available for individuals wanting to address the board on non-agenda items only. The board will not take action on non-agenda items raised under public comment at this meeting. Testimony on agenda items will be heard when the item is called. (See "Issues to remember when addressing the board" at the end of this agenda).

III. Reports
   Program update

IV. Communications - None

V. Appeals - None

VI. Unfinished business - None

VII. New business
   A. Board consideration of proposed changes to the advisory board penalty matrix
   B. Board consideration of proposed enforcement rules that clarify certain procedural processes
   C. Board review and approve committee’s recommendations on new continuing education courses and instructors
   D. Consideration of request received from TCM Corporation for retroactive approval of instructor and course
   E. Board review and approve committee’s recommendations to modify continuing education application timeline
   F. Board review and approve committee’s recommendations to modify recognized code development bodies and national organizations
G. Board review and approve committee’s recommendations on limitation of continuing education credit hours for non-code related courses

VIII. Announcements - None

IX. Adjournment

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**Issues to remember when addressing the board:**

- All public participation is subject to the discretion of the board chair for order of testimony, length and relevance.
- Speakers are generally limited to five minutes.
- Please register on the attendance registration form and on the public testimony registration form, listing the appropriate agenda item.
- The board chair will call you to the front testimony table.
- Please state your name and the organization you represent (if any).
- Always address your comments through the chair.
- If written material is included, please provide 20 three-hole-punched copies of all information to the boards coordinator prior to the start of the meeting and, when possible, staff respectfully requests an electronic copy of materials 24 hours prior to the meeting.

Interpreter services or auxiliary aids for persons with disabilities are available upon advance request. Persons making presentations including the use of video, DVD, PowerPoint, or overhead projection equipment are asked to contact boards coordinator 24 hours prior to the meeting. For assistance, please contact Debi Barnes-Woods at 503-378-6787.

Please do not park vehicles with "E" plates in "customer only" spaces.

*Note:* For information regarding re-appointments or board vacancies, please visit the Governor’s website.
Board of Boiler Rules
Meeting minutes
September 13, 2016

Members present: Eric Anderson, vice-chair, mechanical engineer
Thomas Engstrom, boiler maker
Roger Hendrix, mfr/owner of boilers or pressure vessels
Kenneth Hill, owner/operator pressure vessel
Patrick Lamb, practical steam operating engineer
Gregory Moyer, insurance inspector
Mark Stenberg, steamfitter

Members absent: Blake Alexander, chair, boiler installation and repair
Jon Hooker, owner/operator pressure vessel
Greg Itoh, public member

Staff present: Brett Salmon, manager, Policy and Technical Services
Kevin Perdue, boiler program chief, Statewide Services
Alana Cox, senior policy advisor, Policy and Technical Services
Todd Smith, policy analyst, Policy and Technical Services
Richard Baumann, policy analyst, Policy and Technical Services
Debi Barnes-Woods, boards administrator/coordinator, Policy and Technical Services

Guests present: Don Von Tungeln, Hartford Steam Boiler (HSB)
John Van Sant, One CIS
Jeff Barnes, HSB

I. Board business
A. Call to order
Acting chair, vice chair Eric Anderson called the Board of Boiler Rules board meeting of September 13, 2016, to order at 9:30 a.m. The meeting was held at the Building Codes Division in Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

B. Roll call
Chair Blake Alexander, Jon Hooker and Greg Itoh were all absent excused.

This board has one vacant position: Owner/user or representative and employee of owner/user of low pressure boiler.

C. Approval of the agenda and order of business
Acting chair Anderson RULED the board meeting agenda of September 13, 2016, approved.
D. Approval of the draft meeting minutes
   Acting chair Anderson Ruled the draft meeting minutes of June 7, 2016, final.

E. Date of the next regularly scheduled meeting: December 6, 2016.
   (This item was carried over from the September 13, 2016, meeting, which Mr. Moyer could not attend.)

F. Welcome returning member: Gregory Moyer, insurance inspector

II. Public comment - None

III. Reports
   Program update
   Kevin Perdue, boiler program chief, Statewide Services, said the program is seeing approximately 150 to 190 new installations per month. The program continues to keep up with inspections. Chief Perdue said the current overdue inspections are at 8 percent.

IV. Communications - None

V. Appeals - None

VI. Unfinished business - None

VII. New business
   Board review and approve committee’s recommendations on new continuing education course and instructors
   Richard Baumann, policy analyst, reviewed the new course and instructor applications the committee recommended for approval or denial, and those that were pending. He also reviewed the process for the new board member and said a list of all approved courses are located on the division website: http://www.oregon.gov/bcd/ce/Pages/index.aspx

   Motion by Kenneth Hill to approve the committee’s recommendations for approval or denial of courses or instructors.

   Roll call vote taken:
   Yea: Anderson, Engstrom, Hendrix, Hill, Lamb, Moyer, and Stenberg
   Nay: None
   Motion carried unanimously.

   To view continuing education rules, click on the blue underlined link: Oregon Administrative Rules (OAR) 918-035-0000, Division 35.

VIII. Announcements - None
IX. **Adjournment**
Acting chair Anderson adjourned the meeting at 9:45 a.m.

Respectfully submitted by Debi Barnes-Woods, Boards Administrator/Coordinator
State of Oregon

Building Codes Division

To: Board of Boiler Rules

From: Adam D. Blechman, contested case representative, Enforcement Services

Subject: Proposed changes to the Advisory Board Penalty Matrix

Action requested:
To consider proposed changes to the Advisory Board Penalty Matrix.

Background:
Pursuant to Oregon Administrative Rule (OAR) 918-001-0036(6), the Director of the Department of Consumer and Business Services may, subject to approval of a board, develop a penalty matrix for the board’s use to promote equity and uniformity in proposing the amount and terms of civil penalties and conditions under which the penalties may be modified based on the circumstances in individual cases. The licensing advisory boards have previously approved the use of a penalty matrix, most recently in June 2010. The attached document contains proposed changes to the current matrix, including deletions (which are stricken through) and additions (which are in boldface font and underlined).

There are several proposed changes to the matrix, mostly for the purposes of clarifying its application and conforming to applicable statutes and rules. The proposed changes include clarifications that license actions (conditions, suspensions, and revocations) are independent from the civil penalties and type of violation (first, second, or third) outlined in the matrix, and that the type of violation is based upon the number of violations committed within the past five years. In addition, some violation types are clarified in order to capture different violations or distinguish violations based on facts. Civil penalty amounts are largely unchanged, with the exception of those that previously contained identical civil penalty amounts for second- and third-time violators because a Respondent must be a third-time violator before the maximum civil penalty may be assessed under ORS 455.895(5) based on the definition of “pattern of violation” as adopted by the board. Under OAR 918-001-0036, “pattern of violation” is defined as “two or more prior violations during a five-year period of any provision of ORS Chapter 446, 447, 455, 460, 479, 480, or 693, or the state building code as defined in 455.010, whether or not a penalty was assessed.” Accordingly, some changes in civil penalty amounts are proposed to reflect this definition in administrative rule.
On October 20, 2016, the State Plumbing Board considered and approved the proposed changes to the matrix with no edits. On November 11, 2017, the Electrical and Elevator Board suggested clarifying that civil penalties meant to be assessed against individuals who perform work as volunteers should not be assessed against individuals who have in the past held licenses, reasoning that such individuals are familiar with licensing requirements. This edit is reflected in the proposed changes included in the packet. The Electrical and Elevator Board had no further edits.

Options:
After considering the proposed changes to the Advisory Board Penalty Matrix, the board may:

- Approve of the proposed changes.
- Amend and approve the proposed changes. Include in the motion the amendments to the proposed changes.
- Disapprove of the proposed changes, which would leave the matrix in its current form and recommend OAR 918-001-0036’s definition “pattern of violation” be amended to reflect the policy in the matrix.
Pursuant to OAR 918-001-0036, this penalty matrix applies to the following trade specialty codes: boiler, electrical, elevator, manufactured dwelling/installer, plumbing, and mechanical.

Absent an accompanying license violation, permit violations are handled by the issuing authority. The entire penalty is imposed in all cases. A violator will not automatically receive the minimum amount due for the penalty. A stay of some portion of a penalty is within the sole discretion of the board or the division acting on the board’s behalf for purposes of settling cases prior to hearing. In determining whether a portion of the penalty should be stayed the Board/Division considers aggravating and mitigating factors including but not limited to risk to the public and the cooperation of the violator.

Civil penalties may be assessed in addition to, or in lieu of, the conditioning, suspension, and/or revocation of a license, certificate, or similar authority. The conditioning, suspension, and/or revocation of a license, certificate, or similar authority are not part of this penalty matrix and the Board or the Division, acting on the Board’s behalf, may take an action against a license, including against a first time violator. The violation type (first, second, or third) is based upon the number of violations committed within five years of the date of the present violation.

<table>
<thead>
<tr>
<th>Violation Type</th>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
<th>Length of Time</th>
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</thead>
<tbody>
<tr>
<td>Permit Violation</td>
<td>Penalty Assessed: $1000</td>
<td>Penalty Assessed: $2000</td>
<td>Penalty Assessed: $3000</td>
<td>5 years from last violation</td>
</tr>
<tr>
<td>Volunteer Who Has Violated Licensing Laws</td>
<td>Penalty Assessed: $1000</td>
<td>Penalty Assessed: $2000</td>
<td>Penalty Assessed: $5000</td>
<td>5 years from last violation</td>
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<tr>
<td></td>
<td>Min. Amt. Due/payable: $0</td>
<td>Min. Amt. Due/payable: $1000</td>
<td>Min. Amt. Due/payable: $4000</td>
<td></td>
</tr>
<tr>
<td>Unlicensed Activities</td>
<td>Penalty Assessed: $2000</td>
<td>Penalty Assessed: $2500</td>
<td>Penalty Assessed: $5000</td>
<td>5 years from last violation</td>
</tr>
</tbody>
</table>

Above section applies to violations of permit requirements, excluding violations involving false information. Above section applies to individuals who are not licensed or employed in one of the specialty trades listed above and who make an installation that requires a license for no remuneration or other benefit. Above section shall not apply to individuals who have been licensed by the Division or the Construction Contractors Board. Above section applies to individuals or companies and includes working without a license and allowing an unlicensed individual to perform specialty work.
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<thead>
<tr>
<th>Violation Type</th>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
<th>Length of Time</th>
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<tbody>
<tr>
<td>Scope of License Violations</td>
<td>Penalty Assessed: $2000</td>
<td>Penalty Assessed: $3000</td>
<td>Penalty Assessed: $5000</td>
<td>5-years from last violation</td>
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<td>(Apprentices: max. amt. stayed: $2000/ min. due: $0)</td>
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<tr>
<td>Supervisors</td>
<td>Penalty Assessed: $3000</td>
<td>Penalty Assessed: $4000</td>
<td>Penalty Assessed: $5000</td>
<td>5-years from last violation</td>
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<tr>
<td>Business</td>
<td>Penalty Assessed: $3000</td>
<td>Penalty Assessed: $4000</td>
<td>Penalty Assessed: $5000</td>
<td>5-years from last violation</td>
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<tr>
<td>Unsafe Installations/Health and Safety Hazard/Failure to Comply with Directive/False Information</td>
<td>Penalty Assessed: $3000</td>
<td>Penalty Assessed: $4000</td>
<td>Same as second-time violator</td>
<td>5-years from last violation</td>
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<td>Min. Amt. Due/payable: $4000</td>
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<tr>
<td>Failure to Comply with Order of Corrective Action/Continuing Offense</td>
<td>Up to $1000 per day and/or suspension/revocation</td>
<td>N/A</td>
<td>N/A</td>
<td>5-years from last violation</td>
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Above section applies to individuals or companies in one of the specialty trades working outside the scope of their license. This also includes apprentices.

Above section applies to supervising electricians not performing the duties of a supervisor, as listed in OAR 918-282-0140.

Above section applies to individuals engaging in the business or of a contractor working in a trade that requires a specialty license.

Above section applies to individuals or companies that have made an unsafe installation causing immediate danger to the public and to individuals who provide false or incorrect information or a false or an incorrect signature to the Division or municipality, such as while applying for a permit, applying for a license, or participating in an investigation.

Above section applies to orders to correct any work or installation related to any trade specialty codes listed above and to continuing offenses, as defined in OAR 918-001-0036(2)(a).
<table>
<thead>
<tr>
<th>Violation Type</th>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
<th>Length of Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to Comply with Directive &amp; Aggravating</td>
<td>Penalty Assessed: $45000</td>
<td>Penalty Assessed: $5000</td>
<td>Same as second-time violator</td>
<td>5 years from last violation</td>
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<tr>
<td></td>
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<td>$3500</td>
<td>Min. Amt. Due/payable: $4000</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>and/or condition/denial/suspension/revocation</td>
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</tbody>
</table>

Above section applies to directives, **as defined in OAR 918-001-0036(2)(b)**, given to anyone failing to comply with the Oregon trade specialty codes listed above. This includes jurisdictions.
State of Oregon

Building Codes Division

To: Board of Boiler Rules

From: Todd Smith, policy analyst, Policy and Technical Services

Subject: Proposed Enforcement Rules

Action requested:
Approval of the division’s proposed enforcement rules.

Background:
The division has developed proposed enforcement rules. These proposed rules are intended to clarify certain procedural aspects of the contested case hearing process and ensure that licensees provide accurate contact information. The rules also require cooperation with investigations and allow an enforcement action to be taken against the license of owners of businesses that have been assessed civil penalties or have had action taken against their business or other businesses that they are associated with. The procedural changes are consistent with the Department of Justice’s model rules for procedure in contested case hearings. The other rules, such as the one related to proper service, are needed to ensure that the division can take efficient and effective enforcement actions. On October 20, 2016, the State Plumbing Board considered and approved the proposed rules, with the exception of the proposed changes to OAR 918-001-0034, which has not yet been presented to that board. On November 17, 2016, the Electrical and Elevator Board considered and approved the proposed rules in their entirety.

Options:

- Approve the proposed rules, as recommended by the division, to be sent to public hearing.
- Recommend modifications to the proposed rules and send to public hearing. (Provide specific modifications in the motion.)
- Disapprove rules. (Provide reason for disapproval in the motion.)
918-001-0012 Hearing Exhibits and Witness Lists

At least 14 days prior to a contested case hearing for which there are no prehearing conferences, the Division and the parties shall exchange exhibits and a list of witnesses, and shall provide copies to the Office of Administrative Hearings. Failure to provide exhibits and a list of witnesses at least 14 days prior to hearing may result in the exclusion of exhibits and/or witnesses at the hearing.

Stat. Auth.: ORS 183.341
Stats. Implemented: ORS 183.341
Hist.: New

918-001-0014 Written Exceptions

Written exceptions and argument to proposed orders must be received by the Division within 20 calendar days after the service date of the proposed order. Written exceptions and argument shall be sent to: Building Codes Division, Enforcement and Licensing, PO Box 14470, Salem, Oregon 97309-0404.

Stat. Auth.: ORS 183.341
Stats. Implemented: ORS 183.341
Hist.: New

918-001-0016 Board Issuance of Final Orders

OAR 137-003-0655(7) shall not apply to contested cases brought under the authority of a licensing board. For such cases, the appropriate licensing board shall consider the proposed order at the next board meeting following the issuance of the proposed order. An amended proposed order or a final order shall be issued within 90 days after the board meeting at which the board considers the proposed order, unless the Division gives written notice to the administrative law judge and all other parties of the date by which it expects to issue an amended proposed order or a final order.

Stat. Auth.: ORS 183.341
Stats. Implemented: ORS 183.341
Hist.: New

918-001-0034
Disqualification from Obtaining License, Registration, Certificate, or Certification

(1) Disqualification under ORS 455.127(2) shall be for a period of five years except as provided in subsection (2) of this rule.
(2) The Director of the Department of Consumer and Business Services or an appropriate advisory board may, in its discretion, order a disqualification fewer than five years. In doing so the Director of the Department of Consumer and Business Services or appropriate advisory board may, but is not required to, consider any mitigating factors.

(3) Subject to ORS chapter 183, a regulatory body listed in ORS 455.129(3) may deny a license, certificate, registration or application, or may suspend, revoke, condition or refuse to renew a license, certificate or registration if the regulatory body finds that the licensee, certificate holder, registrant or applicant:

(a) Was an owner or officer of another business at the time the other business was assessed a civil penalty under ORS 455.895;

(b) Was an owner or officer of another business at the time an act or failure to act by any owner or officer of the other business resulted in action being taken against the license, certificate or registration of the other business by the department, the director or any advisory board;

(c) Was an owner or officer of another business at the time the other business was subject to an order to cease and desist or other sanction by the director or an advisory board; or

(d) Was directly involved in an act described in (a), (b), or (c) of this rule.

Stat. Auth.: ORS 455.127 & 455.117
Stat. Implemented: ORS 455.127

OAR 918-001-0300 Address Notification Requirements and Service of Process

(1) It is the responsibility of all persons licensed, certified, registered, or otherwise authorized by the Director or an advisory board to inform the Building Codes Division in writing of current contact information, including a non-Post Office Box mailing address, phone number, and e-mail address. The mailing address must be one to which the Building Codes Division can effectively serve pleadings and other documents by registered or certified mail. Contact information included on an application for a license, certification, registration, or other authorization satisfies this notification requirement.

(2) It is the responsibility of all persons licensed, certified, registered, or otherwise authorized by the Director or an advisory board to inform the Building Codes Division in writing of any change in name, address, phone number, or email address within 20 days of any such change.

(3) Notice by registered or certified mail to the holder of any license, certificate, registration, or other authorization issued by the Director or an advisory board at the last
address on file with the Building Codes Division, pursuant to this rule, shall constitute effective service.

(4) Nothing in this rule shall alter any other change of address notification requirements.

Stat. Auth.: ORS 455.117 & 455.720  
Stats. Implemented: ORS 455.117, 455.720  
Hist.: New

OAR 918-001-0310 Cooperation with Investigations

(1) The holder of any license, certificate, registration, or other authorization issued by the Director or an advisory board shall cooperate with any investigation conducted pursuant to ORS Chapter 455.

(2) Failure to cooperate with an investigation pursuant to subsection (2) of this rule shall be grounds for:

(a) Denial, suspension, conditioning, or revocation of a registration, certification, license, or other authority of a person to perform work or conduct business issued under laws administered by the Department or an advisory board, as set forth in ORS 455.125 or ORS 455.129; or

(b) Disqualification from obtaining a license, registration, certificate, or certification, as set forth in ORS 455.127.

(3) As used in this rule, to cooperate with an investigation may include, but not be limited to, answering questions, making sworn statements or testifying in administrative hearings.

Stat. Auth.: ORS 455.117 & 455.720  
Stats. Implemented: ORS 455.117, 455.720, 455.125, 455.127, 455.129  
Hist.: New
State of Oregon

Building Codes Division

To: Board of Boiler Rules

From: Richard Baumann, policy analyst, Policy and Technical Services

Subject: Continuing Education Applications

Action requested:
Board of Boiler Rules consideration of the Continuing Education Committee’s recommendations regarding continuing education courses and instructors.

Background:
The Board of Boiler Rules establishes continuing education (CE) requirements for boiler and pressure vessel licensees in order to ensure licensees possess up-to-date knowledge of the code. They set standards for approval of courses and providers in order to have a sufficient number and variety of CE courses available to licensees. The board’s continuing education committee evaluates courses and instructors on the board’s behalf. The committee met on October 25, 2016, to review CE course and instructor applications. The committee reviewed 16 applications from 4 organizations:

- 10 courses were recommended for approval.
- No courses were recommended for denial.
- 6 instructors were recommended for approval.
- No instructors were recommended for denial.
- No pending applications.

See attached summary for more information.

The committee is also using the following criteria when reviewing applications:

- For correspondence courses – provider must submit complete course.
- For online courses – provider must submit a log-on or screen shots of course content.
- OSHA courses are eligible for a maximum of eight hours code-related credit.
- First Aid, CPR & AED courses are eligible for a maximum of eight hours code-related credit.
Options:

- Approve the committee’s recommendations for approval or denial of courses or instructors.
- Amend and approve the committee’s recommendations for approval or denial of courses or instructors.
- Disapprove the committee’s recommendations for approval or denial of courses or instructors.
## Board of Boiler Rules
### Committee on Continuing Education Course and Instructor Review
#### 12/6/16

### Courses

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Course Name</th>
<th>Committee Recommendation</th>
<th>Board Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>UA Local 598 JATC</td>
<td>ASME Sections I, IV, IX and Safety (8 hours CR)</td>
<td>Approve</td>
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</tr>
<tr>
<td>UA Local 598 JATC</td>
<td>Review of ASME B31.1, B31.3, B31.5, and B31.9 (8 hours CR)</td>
<td>Approve</td>
<td></td>
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<tr>
<td>UA Local 598 JATC</td>
<td>Review of Oregon Laws and Code (8 hours CR)</td>
<td>Approve</td>
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<tr>
<td>UA Local 598 JATC</td>
<td>Oregon Regulatory System (8 hours CR)</td>
<td>Approve</td>
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<tr>
<td>UA Local 598 JATC</td>
<td>Understanding Boilers and Safety Practices (8 hours CR)</td>
<td>Approve</td>
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<tr>
<td>Plumbers &amp; Steamfitters Local 44 JATC</td>
<td>OSHA 10 (8 hours CR)</td>
<td>Approve – course credit hours reduced to 8 hours from 10 hours</td>
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<tr>
<td>Plumbers &amp; Steamfitters Local 44 JATC</td>
<td>OSHA 30 (8 hours CR)</td>
<td>Approve – course credit hours reduced to 8 hours from 10 hours</td>
<td></td>
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<tr>
<td>Plumbers &amp; Steamfitters Local 44 JATC</td>
<td>Basic Life Support/ 1st Aid (8 hours CR)</td>
<td>Approve</td>
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<tr>
<td>Security Monster</td>
<td>First Aide Part I and Part II (2 hours CR)</td>
<td>Approve</td>
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<tr>
<td>TCM Corp.</td>
<td>OSHA 30 (8 hours CR)</td>
<td>Approve</td>
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## Instructors

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<tr>
<th></th>
<th>Applicant</th>
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<th>Board Action</th>
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<tbody>
<tr>
<td>1</td>
<td>Frank Vargas</td>
<td>Approve</td>
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<td></td>
<td>UA Local 598 JATC</td>
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<td>2</td>
<td>Philip Kronberg</td>
<td>Approve</td>
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<td></td>
<td>UA Local 598 JATC</td>
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<td>3</td>
<td>Shane Baumgarten</td>
<td>Approve</td>
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<td>Plumbers &amp; Steamfitters Local 44 JATC</td>
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<td>Zachary Juhl</td>
<td>Approve</td>
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<td></td>
<td>Plumbers &amp; Steamfitters Local 44 JATC</td>
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<td>5</td>
<td>Kris L. Anderson</td>
<td>Approve</td>
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<td></td>
<td>Security Monster</td>
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<tr>
<td>6</td>
<td>Anthony Barsotti</td>
<td>Approve</td>
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<td></td>
<td>TCM Corp.</td>
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## Applications Pending

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<th></th>
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<th>Name</th>
<th>Committee Recommendation</th>
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<tr>
<td></td>
<td></td>
<td>None</td>
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November 14, 2016

Chair of the Board of Boiler Rules
Oregon Building Codes Division
1535 Edgewater Street NW
Salem, OR 97304

RE: Retroactive Recognition of OSHA 30 Hours

On behalf of TCM Corp, I would like to make a request to have an OSHA 30 course and an instructor (Anthony Barsotti) be retroactively approved by the board.

Class hours were taught in four hour intervals over the course of 8 weeks between May 4, 2016 and June 22, 2016, prior to Mr. Barsotti retiring from TCM Corp on June 30, 2016.

It came to our attention that the course and instructor were not approved by the board until we submitted the hours for the individuals seeking to receive credit hours for the course. TCM has now submitted an application for the course and instructor to the division on behalf of Mr. Barsotti.

The gentlemen seeking BCD hours for this are:

Robert DeGraw E97-6740
Preston A Hunt 2759CL5
Anthony R Lugo 1346CL5

We are asking that the board approve the maximum, eight (8), hours for the class.

Thank you,

TCM

Roger T. Hendrix Jr.
Corporate QA/QC Professional
State of Oregon  

Building Codes Division  

To: Board of Boiler Rules  

From: Richard Baumann, policy analyst, Policy and Technical Services  

Subject: Continuing Education Application Approvals  

Action requested:  
Board of Boiler Rules consideration of modifying continuing education application approval period.  

Background:  
The Board of Boiler Rules establishes continuing education requirements for all boiler and pressure vessel licensees in order to ensure licensees possess up-to-date knowledge of the code and administrative requirements. The board takes final action on applications that have been recommended for approval or denial based upon review by the board’s continuing education committee.  

Once the board takes final action on continuing education applications the division notifies the applicant of the board’s decision. When approval letters are written the current practice specifies that continuing education courses are valid from the date of final board action to the anticipated end date of the current code cycle. The anticipated code cycle end date is subject to change, which creates confusion for continuing education providers and creates additional work for division staff. This scenario also occurs in other code programs.  

Discussion:  
The division brought this issue to the attention of the board’s continuing education committee. The committee suggested that the division change approval letters to specify that approved applications are valid from the date of final board action through the duration of the current code cycle. This change is also being implemented for electrical and plumbing continuing education approvals. If the board approves this change, it would make the three programs uniform and consistent regarding approval periods.
Options:

- Approve the committee’s recommendation to modify approval letters so approved courses and instructors are valid from date of final board action through the duration of the current code cycle.
- Amend and approve the committee’s recommendation to modify approval letters so approved courses and instructors are valid from date of final board action through the duration of the current code cycle.
- Disapprove the committee’s recommendation, which retains current practice of approving courses and instructors from date of final board action to an anticipated end date of a current code cycle.
State of Oregon

Building Codes Division

December 6, 2016

To: Board of Boiler Rules

From: Boiler Board Sub-Committee on Continuing Education

Subject: Recognized Continuing Education Providers

Action requested:
Board of Boiler Rules review and consideration of recognized continuing education providers.

Background:
In 2012 amendments were made to continuing education requirements in OAR chapter 918, division 35. Specifically OAR 918-035-0040 was amended to allow licensing boards the authority to pre-approve certain continuing education providers and courses. The Board of Boiler Rules, at the board’s December 2012 meeting, approved certain code development bodies and national organizations as approved providers of continuing education without having specific courses approved.

A recent issue came to the attention of the division in connection with the board’s action in 2012. The division brought this issue to the attention of the board’s continuing education committee. The committee reviewed and discussed the intent of the document from the 2012 board meeting and provided guidance intended to clarify the purpose of the document, and suggested some revisions.

Discussion:
The committee recommended the following revisions:

- The board review, consider and take appropriate action regarding approval of code development bodies and national organizations each code cycle.
- Clarify that continuing education credit may only be obtained when courses are provided and taught by these organizations.
- Non-code courses (First Aid, CPR, AED, and OSHA) are eligible for a maximum of 8 hours of continuing education credit. This policy includes non-code related courses submitted through the standard application process.
Options:

- Approve the committee’s recommendation to modify the board’s recognition of code development bodies and national organizations.
- Amend and approve the committee’s recommendation to modify the board’s recognition of code development bodies and national organizations.
- Disapprove the committee’s recommendations, which will retain the policies established by the board in December 2012 regarding its recognition of code development bodies and national organizations.
Pre Approved Continuing Education Providers and Courses

Statute: Oregon Revised Statute (ORS) 455.117

Administrative Rule: Oregon Administrative Rule (OAR) 918-035-0040

Date: December 12, 2012

Subject: Continuing Education Providers and Courses that are pre-approved for continuing education credit.

Discussion: On October 1, 2012, changes to the continuing education rules for boiler, electrical, and plumbing license holders went into effect. One of the changes gave licensing boards the authority to pre-approve certain continuing education providers and courses. This change states that boards may recognize code-development bodies or national organizations as continuing education providers without requiring approval of specific courses, but must identify the scope of courses, and the type of credit. The type of credit does not apply to boiler licensees since there is no code-change hour requirement.

The Board of Boiler Rules has recognized the following continuing education providers and the scope of courses that have been preapproved. This means that licensees can take classes that meet the guidelines below and receive credit towards their continuing education requirement.

<table>
<thead>
<tr>
<th>Provider</th>
<th>Scope of Course(s)</th>
<th>Hour Limit, if Any</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Boiler Board</td>
<td>All courses when taught by a National Boiler Board instructor</td>
<td>None</td>
</tr>
<tr>
<td>Red Cross; American Heart</td>
<td>First Aid, CPR, AED classes</td>
<td>Up to eight (8) hours</td>
</tr>
<tr>
<td>Association</td>
<td>Note: Must be in-person to receive credit</td>
<td></td>
</tr>
<tr>
<td>OSHA</td>
<td>OSHA 10-30 courses</td>
<td>Up to eight (8) hours</td>
</tr>
<tr>
<td>American Welding Society (&quot;AWS&quot;)</td>
<td>Courses approved by AWS for AWS certification as a welding inspector, Welding Educator, or Welding Supervisor. All courses must include a review of American Society of Mechanical Engineers (&quot;ASME&quot;) Section 9.</td>
<td>None</td>
</tr>
<tr>
<td>ASME</td>
<td>Courses approved by ASME related to boiler, pressure vessel, or piping work; such as fabrication, welding or brazing, repair, examination, inspection or testing or drawing interpretation.</td>
<td>None</td>
</tr>
</tbody>
</table>

Licensees must realize that providers of preapproved courses may not know about reporting continuing education hours, so licensees are responsible to ensure that the hours are reported to the Building Codes Division. For more information, contact Kevin Perdue, Chief Boiler Inspector, (503) at 373-7499 or Mark.K.Perdue@state.or.us
Purpose: Under OAR 918-035-0040 the Board of Boiler Rules may recognize code development bodies or national organizations as approved providers without requiring approval of specific courses. The organizations identified below have been recognized by the board to provide continuing education to individuals licensed by the board for the duration of the 2015 Oregon Boiler and Pressure Vessel Specialty Code cycle. Licensees completing courses offered by these organizations may receive appropriate continuing education credit towards their continuing education requirement. Credit may only be obtained when the course is provided and taught by these organizations.

History: In October 2012, changes to the continuing education requirements for boiler, electrical, and plumbing license holders became effective. One of the changes gave licensing boards the authority to pre-approve certain continuing education providers and courses. In December 2012 the Board of Boiler Rules recognized, for the first time, certain organizations as being pre-approved to provide continuing education to licensees.

Effect: These organizations may not know about standard reporting requirements. Licensees completing courses offered by these organizations are responsible for submitting to the Building Codes Division proof of completion and specifying course hours to receive credit toward their continuing education requirement.

<table>
<thead>
<tr>
<th>Provider</th>
<th>Scope of Course</th>
<th>Course Hour Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Code Related Courses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Boiler Board</td>
<td>All courses when taught by a National Boiler Board instructor</td>
<td>None</td>
</tr>
<tr>
<td>American Welding Society (“AWS”)</td>
<td>Courses approved by AWS for AWS certification as a welding inspector, Welding Educator, or Welding Supervisor. All courses must include a review of American Society of Mechanical Engineers (“ASME”) Section 9.</td>
<td>None</td>
</tr>
<tr>
<td>ASME</td>
<td>Courses approved by ASME related to boiler, pressure vessel, or piping work, such as fabrication, welding or brazing, repair, examination, inspection or testing or drawing interpretation.</td>
<td>None</td>
</tr>
<tr>
<td><strong>Non-Code Content Courses</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Red Cross; American Heart Association | First Aid, CPR, AED classes  
*Note: Courses must be live classes to receive credit* | Up to eight (8) hours |
| OSHA | OSHA 10 and OSHA 30 courses | Up to eight (8) hours |

For more information about continuing education requirements and submitting proof of completion of a course, contact a division licensing specialist at 503-373-1268.
State of Oregon

Building Codes Division

December 6, 2016

To: Board of Boiler Rules

From: Boiler Board Sub-Committee on Continuing Education

Subject: Limitation of credit hours for non-code related courses

Action requested:
Board of Boiler Rules review and consideration of limiting the number of hours a licensee may be given credit for when completing non-code related courses during a 3-year license cycle.

Background:
The Board of Boiler Rules establishes continuing education requirements for all boiler and pressure vessel licensees in order to ensure licensees possess up-to-date knowledge of the code and administrative requirements. In 2012 the board, for the first time, authorized continuing education credit be given to licensees who complete approved courses that are not code related; for example, First Aid, CPR, AED, and OSHA.

The board’s continuing education committee raised a concern that nothing in administrative rule prevents a licensee from completing their continuing education requirement without ever taking a code related course. The committee pointed out that a licensee could take only First Aid, CPR, AED, and OSHA courses and complete their continuing education requirement during a typical 3-year license cycle.

Class 2 licensees are required to complete 8 hours of approved continuing education during each 3-year license cycle. Class 3, Class 4, and Class 5, 5A, and 5B licensees are required to complete 24 hours of approved continuing education during each 3-year license cycle.

Discussion:
The committee recommends that the board consider limiting credit hours for non-code related courses during each 3-year license cycle as follows:

- Class 2 licensees may only receive 2 hours of continuing education credit during each 3-year license cycle for approved non-code related courses.
• Class 3, Class 4, Class 5, 5A, and 5B may only receive 8 hours of continuing education credit during each 3-year license cycle for approved non-code related courses.

Options:

- Approve the committee’s recommendation to limit credit hours for non-code related courses during each 3-year license cycle.
- Amend and approve the committee’s recommendation to limit credit hours for non-code related courses during each 3-year license cycle.
- Disapprove the committee’s recommendation, which retains the board’s policy regarding continuing education requirements for licensees during each 3-year license cycle.

If the board determines that the committee’s recommendation should be implemented, the board should provide guidance to the division regarding implementation of this change.