



Oregon

Tina Kotek, Governor



Department of Consumer
and Business Services

Board of Boiler Rules **Amended Item VII.A.** meeting agenda

Meeting date: Tue., Jan. 16, 2024, *(Postponed from Dec. 5, 2023)*

Time: 9:30 a.m.

In-person attendance: Building Codes Division Salem office in Conference Room A

Virtual connection and online streaming: View the live meeting or access the connection information for the Zoom meeting at: Oregon.gov/bcd/Pages/bcd-video.aspx

I. Board business

- A. Call to order
- B. Roll call
- C. Approval of agenda and order of business
- D. Approval of the draft board meeting minutes of [June 6, 2023](#)
- E. Date of the next scheduled meeting: March 5, 2024
- F. Board meeting schedule for [2024](#)
- G. Welcome new Board Member Julie Rapp

II. Public comment

The board will hear public testimony, including testimony from individuals who have signed up in advance.

III. Reports and updates

- A. Boiler program update
- B. Update on [general overview](#) of enforcement process
- C. Legislative [update](#)

IV. Communications

This item is for the division to present advisory information. This is also for the board to review any letters or emails submitted by stakeholders.



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oregon.gov/bcd

V. Appeals

There are no appeals for this meeting.

VI. Unfinished business

There is no unfinished business for this meeting.

VII. New business

- A. Board decision on the [process and a model code](#) to use as a baseline for the 2024 Oregon Boiler and Pressure Vessel Specialty Code (*Amended update memo*)
- B. Board review and [approval of updated process](#) for new continuing education course and instructor applications
- C. Review and [approval of committee recommendations](#) for new continuing education course and instructor applications

VIII. Announcements

The Board Chair or any of the board members may make announcements during this time.

IX. Adjournment

Board Chair or Vice-chair will adjourn the meeting announcing the specific time of adjournment.



State of Oregon

**Board of Boiler Rules
Virtual meeting minutes
June 6, 2023**

- Members present:** Chris Baier, steamfitter, Chair
Jason Anderson, mechanical engineer registered in Oregon
Kory Dunn, boiler installation and repair
Ryan Garvey, public member
Patrick Lamb, practical steam operating engineer
Paul Langley, owner/user high pressure boiler
- Members absent:** Roger Hendrix, mfr/owner of boilers or pressure vessels, Vice-chair
Vacant, insurance inspector
Vacant, boilermaker
Vacant, owner/user high pressure boiler
Vacant, owner/user low pressure boiler
- Staff:** Alana Cox, Administrator, Building Codes Division
Todd Smith, manager, Policy and Technical Services (PTS)
Thomas Clark, boiler program chief, Statewide Services
Ian Paik, policy analyst, PTS
Warren Jackson, manager, Statewide Services
Julia Hier, manager, Enforcement Services
Andy Boulton, senior policy advisor, PTS
Michael Mayorga-Hamilton, contested case representative (CCR),
Enforcement Services
Kathy Rowell, CCR, Enforcement Services
Emily Roque, CCR, Enforcement Services
Laura Burns, support coordinator, PTS
Nathan Krammer, policy development coordinator, PTS
Debi Barnes-Woods, boards administrator/coordinator, PTS
- Guests:** Matthew Herrera, Dyno Nobel
Tim Barker, FM Global

I. Board business

A. Call to order

The Hybrid Board of Boiler Rules board meeting of June 6, 2023, was called to order at 9:32 a.m., by Chair Chris Baier.

B. Roll call

In-house: Chair Chris Baier.

Virtual: Jason Anderson; Kory Dunn; Ryan Garvey; Patrick Lamb; and Paul Langley

Excused: Vice-chair Roger Hendrix.

The Board of Boiler Rules is an eleven-member board. Six members make a quorum. Currently, there are four vacant positions.

If you are interested or know someone that would be a great fit in one of the vacant positions, please visit the Governor's [website](#).

New applicants may apply at: <https://oregon.wd5.myworkdayjobs.com/Boards>. You will be instructed to create a Workday profile using an email and password. Once created, sign in, search for the Board or Commission you would like to apply to, and select the "Apply" button to submit your application.

C. Approval of the agenda and order of business

Chair Baier **ruled** the agenda and order of business approved.

D. Approval of the draft meeting minutes

Chair Baier **ruled** the draft meeting minutes of March 7, 2023, final.

E. Date of the next regularly scheduled meeting: Sept. 12, 2023.

F. Formal farewell to leaving Board Member Curtis Martin

Curtis began his term Nov. 19, 2021, filling an unexpired first four-year term in the seat of owner and user or representative and employee of owner and user of low-pressure boilers in Oregon. When his first unexpired term ended Dec. 16, 2022, Curtis made the decision not to reapply because of a new addition to his family. The board and the division send congratulations and best wishes to his new endeavors.

II. Public comment - None

III. Reports and updates

A. Boiler program update

Thomas Clark, chief boiler inspector, Statewide Services, said the overdues are at an average of 31 percent. Chief Clark explained it by the normal occurrence of each type of boiler equipment has its own inspection schedule. Inspections occur annually; every two years; every three years; four years; and once every six years. Then, once every 12 years, all boilers on an inspection cycle come due the same time of year, which caused the brunt of the workload. Chief Clark is expecting those numbers to go down when the vacant inspector position is filled and when the current inspector trainee is commissioned.

Chief Clark said the National Board Inspection Code (NBIC) and ASME Code of Construction will be updated for 2023. The NBIC is scheduled to be released in July, the division will not be adopting the 2023 codes when released. Although the boiler program is not scheduled for code adoption until next year, the NBIC Part

III for repairs will be recognized as well as vessels built to the 2023 ASME Code as they start to come into the state.

B. Board vote on a consent order proposed for resolution as outlined in the enforcement board report (*Board action required*)

Kathy Rowell, contested case representative, Enforcement Services, thoroughly discussed the one case brought before the board for resolution.

Motion by Chair Chris Baier to adopt the one case proposed for resolution as outlined in the enforcement board report and issue a final order.

Roll call vote taken:

Yay: Jason Anderson; Kory Dunn; Ryan Garvey; Patrick Lamb; Paul Langley; Curtis Martin; and Chair Chris Baier.

Nay: 0

Motion carried unanimously.

C. Summary of enforcement cases previously resolved by the division as outlined in the enforcement board report (*No board action required*)

Kathy Rowell, contested case representative, Enforcement Services, continued her discussion noting that these are the two employees of Oregon Cascade that installed the combi-boiler, water pipes, scaler, pressure relief valves, propane fuel line, and combustion exhaust duct in Agenda Item III.B.

IV. Communications - None

V. Appeals - None

VI. Unfinished business - None

VII. New business

Review and approval of committee recommendations for new continuing education course and instructor applications

Ian Paik, policy analyst, Policy and Technical Services, said that the continuing education committee received five applications from three organizations. The committee recommended two courses for approval, and three instructors for approval.

Motion by Board Member Jason Anderson to approve the committee recommendations for approval or denial of courses or instructors.

Roll call vote taken:

Yay: Jason Anderson; Kory Dunn; Ryan Garvey; Patrick Lamb; Paul Langley; Curtis Martin; and Chair Chris Baier.

Nay: 0

Motion carried unanimously.

IX. Announcements - None

X. Adjournment

Chair Chris Baier adjourned the meeting at 9:46 a.m.

Respectfully submitted by Debi Woods, boards administrator/coordinator.

Board meeting calendar dates for 2024

Electrical & Elevator Board

Meets the fourth Thursday of every other month beginning in January:

January 25, 2024
March 28, 2024
May 23, 2024
July 25, 2024
September 26, 2024
November 21, 2024 **Holiday schedule**

Mechanical Board

Meets the first Wednesday quarterly beginning in March:

March 6, 2024
June 5, 2024
September 11, 2024 **Holiday schedule**
December 4, 2024

Board of Boiler Rules

Meets the first Tuesday quarterly beginning in March:

Jan. 16, 2024 **postponed from Dec. 5, 2023**
March 5, 2024
June 4, 2024
September 10, 2024 **Holiday schedule**
December 3, 2024

State Plumbing Board

Meets the third Thursday of every other month beginning in February:

February 15, 2024
April 18, 2024
June 13, 2024 **Holiday schedule**
August 15, 2024
October 17, 2024
December 19, 2024

Building Codes Structures Board

Meets the first Wednesday quarterly beginning in February:

February 7, 2024
May 1, 2024
August 7, 2024
November 6, 2024

Residential & Manufactured Structures Board

Meets the first Wednesday quarterly beginning in January:

January 10, 2024 **Holiday schedule**
April 3, 2024
July 10, 2024 **Holiday schedule**
October 2, 2024

Construction Industry Energy Board

Meets at least twice a year on a Tuesday:

February 6, 2024
June 11, 2024
October 15, 2024

Meetings are hybrid through Zoom, and in Conference Room A at Building Codes Division, 1535 Edgewater Street NW, Salem, OR 97309.

All board meetings begin at 9:30 a.m. unless otherwise publicly noticed. Meetings may be cancelled or rescheduled. The calendar adjustments are to accommodate holidays and/or code adoptions. All board meeting information is posted to the [BCD website](#).

**Agenda
Item
III.B.**

General Overview of Enforcement

January 2024

Overview of the Section

- Manager
- Contested Case Representatives
- Investigators
- Specialists

Penalty Matrix

- Available on our website [here](#), and provided in this presentation

ADVISORY BOARD CIVIL PENALTY MATRIX

March 7, 2017

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.

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 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.

Violation Type	1st	2nd	3rd
Permit Violation	Penalty Assessed: \$1000 Max. Amt. Stayed: \$750 Min. Amt. Due/payable: \$250	Penalty Assessed: \$ 2000 Max. Amt. Stayed: \$1250 Min. Amt. Due/payable: \$750	Penalty Assessed: \$3000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$2000
<i>Above section applies to violations of permit requirements, excluding violations involving false information.</i>			
Volunteer Who Has Violated Licensing Laws	Penalty Assessed: \$1000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$0	Penalty Assessed \$2000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$1000	Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000
<i>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.</i>			
Unlicensed Activities	Penalty Assessed: \$2000 Max. Amt. Stayed: \$1750 Min. Amt. Due/payable: \$250	Penalty Assessed: \$2500 With Max Stay: \$1000 Min. Amt. Due/payable: \$1500	Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000
<i>Above section applies to individuals or companies and includes working without a license and allowing an unlicensed individual to perform specialty work.</i>			

Violation Type	1st	2nd	3rd
Scope of License Violations	Penalty Assessed: \$2000 Max. Amt. Stayed: \$1750 Min. Amt. Due/payable: \$250 (Apprentices: max. amt. stayed: \$2000/ min. due: \$0)	Penalty Assessed: \$3000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$2000	Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000
<i>Above section applies to individuals or companies in one of the specialty trades working outside the scope of their license. This also includes apprentices.</i>			
Supervisor	Penalty Assessed: \$3000 Max. Amt. Stayed: \$2750 Min. Amt. Due/payable: \$250	Penalty Assessed: \$4000 Max. Amt. Stayed: \$2000 Min. Amt. Due/payable: \$2000	Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000
<i>Above section applies to supervising electricians not performing the duties of a supervisor, as listed in OAR 918-282-0140.</i>			
Business	Penalty Assessed: \$3000 Max. Amt. Stayed: \$2750 Min. Amt. Due/payable: \$250	Penalty Assessed: \$4000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$3000	Penalty Assessed: \$5000 Max. Amt. Stay: \$1000 Min. Amt. Due/payable: \$4000
<i>Above section applies to individuals engaging in the business or of a contractor working in a trade that requires a specialty license.</i>			
Unsafe Installations/ Health and Safety Hazard/ False information	Penalty Assessed: \$3000 Max. Amt. Stayed: \$2500 Min. Amt. Due/payable: \$500	Penalty Assessed: \$4000 Max. Amt. Stayed: \$2000 Min. Amt. Due/payable: \$2000	Penalty Assessed: \$5000 Max. Amt. Stay: \$1000 Min. Amt. Due/payable: \$4000
<i>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.</i>			
Failure to Comply with Order of Corrective Action/ Continuing Offense	Up to \$1000 per day	N/A	N/A
<i>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)</i>			
Failure to Comply with Directive	Penalty Assessed: \$4000 Max. Amt. Stayed: \$1500 Min. Amt. Due/payable: \$2500	Penalty Assessed: \$4500 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$3500	Penalty Assessed: \$5000 Max. Amt. Stay: \$1000 Min. Amt. Due/payable: \$4000
<i>Above section applies to directives, as defined in OAR 918-001-0036(2)(b), given to anyone failing to comply with the trade specialty codes listed above. This includes jurisdictions.</i>			

Notice Process

- Complaint received or violation identified
- Investigation
- Notice prepared and issued
- Notice served
- Respondent actions determines next steps
 - Default
 - Request for hearing
 - Enter into a settlement
 - Hearing
- Final Order



Thank you

Legislative Update

Table of Contents

Bills Passed in the 2023 Session that may impact BCD Operations.....	2
HB 2001 Affordable housing omnibus bill	2
SB 80 Wildfire bill, updates to SB 762.....	3
SB 582 Electric Vehicle Infrastructure Training Program.....	3
HB 3395 Additional Affordable housing legislation	4
HB 2889 Conforming amendments and updates to HB 2001.....	5
HB 2727 Childcare facilities workgroup	5
HB 3409 Climate and greenhouse gas legislation.....	5
HB 5506 End of session funding bill, grant program extension.....	11

The following is a brief summary of recently passed legislation which may be of interest to the board. These summaries are not a complete outline of the new law and the summary should not be relied upon for decision making. Please refer to the bill text for a complete description of the law change.

Bills Passed in the 2023 Session that may impact BCD Operations

HB 2001 Affordable housing omnibus bill

Bill

Summary: House Bill 2001 is the primary bill for the legislature's and the governor's housing expansion priorities. The bill was signed by the governor in March. The bill is significant and for a full overview of changes please refer to the bill page and the complete bill text. The bill establishes the Oregon Housing Needs Analysis within the Oregon Department of Administrative Services. The bill increases accountability of cities outside the Metro and the Metro for achieving the state's housing goals. The bill requires Oregon Housing and Community Services to develop and maintain a state wide housing production dashboard that includes data on housing affordability as well as equity indicators relevant to housing. The bill directs the Land Conservation and development commission to work to address local housing barriers and directs public bodies to use their authority to remove barriers to housing development. The bill expands the ability of the Department of Land Conservation and Development and the Land Conservation and Development Commission to pursue enforcement against a city that is not meeting its housing development goals. The bill outlines how cities address urbanization inside and outside the Metro. The bill expands the ability to address youth homelessness through grant programs. The bill increases protections for tenants being evicted for nonpayment of rent. The bill allocates funding for grant programs to support modular housing. The bill allocates funding for moderate income housing predevelopment loans. The bill directs the Department of Agriculture to provide grants to improve health and safety conditions of agriculture workforce housing.

Building Codes Division Specific: The housing production dashboard developed by Housing and Community Services will require a definition of housing accessibility and visitability and that definition will be created by rule by the division.

Plan: The bill requires that Oregon Housing and Community Services create the dashboard by January 1, 2025. The division intends to develop a definition for visitability and accessibility and bring it to the Residential and Manufactured Structures Board and the Building Codes Structures Board in advance of Housing and Community Services finishing the dashboard.

SB 80 Wildfire bill, updates to SB 762

Bill

Summary: Senate Bill 80 is this session's omnibus wildfire bill. It includes updates and fixes to aspects of SB 762 from the 2021 session. For a full review of all components of SB 80 please refer to the bill page. Senate Bill 80 changes the name of the state wildfire risk map to the statewide wildfire hazard map and eliminates the extreme and no risk hazard zones to leave three hazard zones (low, moderate, and high). The bill directs all agencies and public bodies involved with the development and roll out of the map as well as the accompanying rules to engage in specific and robust public engagement and education before finalizing the map and the associated rules. The landscape resiliency fund is established to allocate funds to the Department of Forestry specifically for actions to increase landscape resiliency. The prescribed fire liability pilot program is established to help cover liability created by using prescribed fire to mitigate future wildfire risk. The bill includes several conforming amendments and allocates funds to numerous ongoing programs related to wildfire protection.

Plan: The changes in Senate Bill 80 only impact the division in so far as the division's rulemaking that makes section R327 of the Oregon Residential Specialty Code mandatory for new construction in high wildfire hazard zones contained within the wildland urban interface will follow the final adoption of the wildfire hazard map. The division held a rulemaking advisory committee and a public rulemaking hearing for its rulemaking in 2022 before putting the rulemaking on hold pending the adoption of a final wildfire hazard map. The division intends to hold at least one additional hearing prior to adopting the rules but does not anticipate any changes to the construction provisions of section R327.

SB 582 Electric Vehicle Infrastructure Training Program

Bill

Summary: Senate Bill 582 directs the Electrical and Elevator Board to approve the Electric Vehicle Infrastructure Training Program (EVITP) as an approved continuing education program and that the board review equivalent training programs for approval. The bill requires the board to request information from EVITP providers about the number of electricians that have signed up for the course, completed the course, and passed the certification. Once the board certifies that 500 electricians have completed the EVITP or an equivalent program the board must notify the appropriate legislative committees. This also triggers requirements on using EVITP certified electricians on state funded projects that install electric vehicle charging systems. Residential construction with four or fewer units would be exempt from these requirements

Plan: The division on behalf of the Electrical and Elevator Board will set up reporting with EVITP on the number of Oregon electricians signing up for, completing, and being certified by the program. Additionally, the division will accept and process applications from the EVITP and equivalent training programs to be considered by the board's

continuing education committee and ultimately the board itself for approval as continuing education.

HB 3395 Additional Affordable housing legislation

Bill

Summary: House Bill 3395 is another substantial bill relating to housing. It combines several bills that were introduced earlier in the session and for a full overview of the bill's provisions please review the bill page on OLIS.

The bill prohibits local governments from denying the siting and development of residential uses on land zoned to allow only commercial use under certain conditions. The bill changes residential land use approval procedures. The bill requires local governments to approve an application for development or use of land for emergency shelters under certain conditions. The bill directs the Department of Consumer and Business Services to review and consider updates to the Oregon Structural Specialty Code to allow a residential occupancy to be served by a single exit and specifies considerations that should be taken into account. The bill clarifies that residential units subject to affordability restrictions are not included in the planned community definition. The bill restricts the ability of state or local governments to specifically impede the development of condominiums. The bill requires a local government accept letters from public funding sources as assurance when considering an application to develop a subdivision. The bill defines single room occupancy and requires local governments allow single room occupancy development within an urban growth boundary. The bill requires cities with 2,500 to 25,000 residents that are outside of a metropolitan service district allow siting duplexes on parcels zoned for single family detached dwellings. The bill creates provisions that allow the removal of discriminatory provisions from planned community or condominium declaration or bylaws without a vote of owners or board members. The bill allows public utilities to sell at or below market price, or gift, interest in real property for the purpose of developing affordable housing under certain conditions. The bill allocates money for affordable housing grants for low income college students. The bill establishes and funds the agricultural housing repair fund to provide grants to assist with the development of affordable agricultural worker housing. The bill allocates funds to the Department of Housing and Community Services to implement grant programs to assist with affordable housing.

Plan: The only requirement on the division is to review and consider updates to the Oregon Structural Specialty Code (OSSC) through the Building Codes Structures Board to allow residential occupancy to be served by a single exit in certain circumstances. The deadline in the bill is October 1, 2025, which is the planned adoption date for the next version of the OSSC and the division plans to include the recommendations for consideration in the normal development and adoption process for the 2025 OSSC.

HB 2889 Conforming amendments and updates to HB 2001

Bill

Summary: House Bill 2889 includes many conforming amendments to ensure alignment with House Bill 2001. The Department of Land Conservation and Development (DLCD) and the Department of Housing and Community Services (HCS) are tasked with assisting DAS. The bill outlines reporting and rulemaking requirements for DAS, DLCD, and HCS and lists a number of agencies that should be consulted in some of these rulemakings including the Department of Business and Consumer Services (DCBS). The bill outlines different requirements for municipalities' responsibilities under the OHNA depending on the size of the municipality and whether it is included in the Metro.

Plan: This bill does not require any action by the division but it is relevant to the larger discussion surrounding housing. The division will likely be consulting with other agencies on rulemakings related to housing on an ongoing basis.

HB 2727 Childcare facilities workgroup

Bill

Summary: House bill 2727 directs the Department of Land Conservation and Development (DLCD) to convene a workgroup to examine strategies for expanding early learning and care facilities in the state. In addition to the legislators appointed to the task force, the bill directs DLCD, to the extent practicable, to select several additional task force members with certain roles defined in the bill. One of those roles includes "representatives from the Department of Consumer and Business Services with expertise in state and local building codes."

Plan: The task force created by the bill would include at least one person from the building codes division. The time commitment required of the person(s) serving on the taskforce will depend on the extent of engagement with the process and the number of meetings required.

HB 3409 Climate and greenhouse gas legislation

Bill

Summary: House Bill 3409 is the session's omnibus climate bill and it combines several bills introduced previously in the session including the four bills that came out of the Resilient Efficient Buildings Taskforce (SBs 868, 869, 870, 871). This bill is extensive and for a full breakdown of its provisions please consult with the bill page on OLIS.

Designated State Agency Programs for Energy Efficiency in Buildings

The bill declares the following goals: for owners, operators, or residents to install and use at least 500,000 new heat pumps by 2030; provide programs and support to

accelerate purchase and use of heat pump technologies to help meet state's greenhouse gas (GHG) emissions reduction goals; prioritize environmental justice communities and individuals who reside in structures without functioning, adequate, or affordable heating or cooling system; evaluate adoption and use of heat pump technologies to determine if adoption rate will enable Oregon to meet GHG emission reduction goals; and executive branch agencies to lead by example by acquiring, installing, and using heat pump technologies. The bill requires in carrying out "designated state agency programs" (Designated Programs) that relate to promotion, implementation, incentivization, or regulation of energy efficiency in buildings State Department of Energy (ODOE), Housing and Community Services Department, Public Utility Commission, Department of Environmental Quality, Oregon Health Authority, and Department of Consumer and Business Services (Designated Agencies) shall consider actions to aid in achieving GHG emission reduction goals that include:

- consider GHG emission reduction goals in regulatory decisions;
- aligning the creation or operation of Designated Programs with GHG emissions reduction goals;
- working in consultation and aligning efforts with other agencies to simplify and improve program access that relate to energy efficiency and resilience, and where appropriate to reduce or eliminate barriers to accessing energy efficiency measures or appliances that will result in the greatest GHG emission reductions;
- prioritize actions that help environmental justice communities adapt from impacts from climate change and overcome cost burdens consistent with applicable federal and state laws and program requirements; and
- consult with Oregon Global Warming Commission and the Environmental Justice Council, and use when appropriate environmental justice mapping tool.

The bill requires ODOE to submit a heat pump market report that evaluates rate of adoption and progress towards meeting GHG emission reduction goals to the Governor and the Legislative Committee related to the Environment no later than September 15th of each odd numbered year. The bill provides minimum requirements for heat pump technologies report.

The bill requires ODOE to collaborate with Designated Agencies to reduce financial and nonfinancial barriers to home energy efficiency and resilience by: providing initial and continuing technical assistance and training to build capacity in developers, builders, community-based organizations, homeowners and tenants to conduct renovations and installations of energy efficient technologies and provide education and training to contractors, subcontractors, technicians, community based organizations and other installers and workers in industries related to construction and energy appliance installation.

Department of Consumer and Business Services: Energy Efficiency in Buildings

House Bill 3409 directs the Department of Consumer and Business Services (DCBS), as DCBS' responsibilities relate to efficiency or resiliency in buildings to:

- Exercise all authority and discretion to help facilitate, at a minimum, the achievement of greenhouse gas (GHG) emission reduction goals (ORS 468A.205).
- Prioritize and take actions necessary to accelerate reductions in GHG emissions, including but not limited to rulemaking processes in addition to DCBS' existing responsibilities; and
- Consider and integrate prevention or reduction of climate change impacts and GHG emissions reduction goals into planning, budgeting, investments, and policymaking decisions.

The bill directs DCBS to contribute towards achieving GHG emission reductions and mitigation of climate change impacts by: setting goals for improved energy efficiency; investigating options for, and feasibility of, reducing GHG emissions resulting from manufacturing, transporting, installing, disposing and recovering materials used in building construction; and investigating benefits and feasibility of updating building ventilation standards and specifying standards for air cleaners present in building mechanical systems and occupied indoor spaces.

The bill requires DCBS to: consult with advisory boards and committees and cooperate with ODOE to specify energy efficiency goals for new residential and commercial construction that aim to achieve at least 60 percent reduction in annual energy consumption from standards specified in the statewide 2006 building code and applicable specialty codes by 2030. Cooperate with ODOE to identify metrics to inform updates to statewide building codes and applicable specialty codes. Requires DCBS to report to Legislative Committee related to the environment every three years, beginning December 31, 2023, on progress towards achieving goals and options for achieving goals over the course of the subsequent three updates to the state building code and applicable specialty codes.

The bill requires DCBS to update Reach Code to reflect progress toward specified energy efficiency goals each time statewide building code and applicable specialty code are updated. It requires coordination with DEQ. It requires to extent feasible, in cooperation with DEQ, and taking into account Department of Transportation standards, DCBS identify options to reduce GHG emissions attributable to building materials so that lower carbon materials may serve the same function. Requires DCBS to consider industry standards. The bill requires DCBS to report to the Legislative Committee related to the environment, no later than December 31, 2024, on findings and recommendations on options for reducing GHG emissions that result from manufacturing, transporting, installing, disposing of, and recovering materials used in building construction including specifying lower carbon materials or other means.

Energy Performance Standards for Covered Commercial Buildings

House Bill 3409 directs the Oregon Department of Energy (ODOE) in consultation with the Department of Consumer and Business Services (DCBS) to adopt rules specifying an energy performance standard for covered commercial buildings. The bill also requires that a database of eligible building owners and covered commercial buildings that are subject to the requirements of the new rules be created. We assume that the department tasked with creating that database would be ODOE in consultation with DCBS but the language in the bill is ambiguous. The bill outlines notification and reporting requirements for buildings covered by the new rules. The bill directs ODOE to establish, with a third party, incentive programs.

State Agencies to Conduct Assessment of Energy Use

House Bill 3409 creates standards for implementing energy conservation measures into capital construction by or on behalf of state agencies. The bill includes development and implementation of a comprehensive assessment of energy use and greenhouse gas emissions by state owned buildings and a searchable database of the results of that assessment. The bill directs the Department of Administrative services to oversee state agency capital projects exceeding \$1 million dollars in regards to meeting the requirements of the bill and each state agency to report to DAS and ODOE on the progress of capital projects underway.

Community Green Infrastructure Grant Program

The bill establishes the community green infrastructure grant program as a program administered by the Department of Land Conservation and Development (DLCD) for the purpose of: offsetting the cost of planning and developing community green infrastructure projects or green infrastructure community development projects; and providing direct social, environmental, and economic benefits to communities across Oregon through green infrastructure in the form of climate adaptation, mitigation, and resilience, local jobs, public or community benefits, and local food sovereignty.

College of Forestry, Oregon State University: Low Carbon Fuels From Woody Biomass Residues

The bill directs the College of Forestry at Oregon State University, in collaboration with the Department of Environmental Quality and the State Forestry Department, to research development of fuel pathways for low carbon fuels derived from woody biomass residues from forestry operations.

Rebate Program for Medium and Heavy Duty Zero-Emission Vehicles

The bill directs the Department of Environmental Quality to establish a program to provide rebates to persons that purchase or lease qualifying medium or heavy duty zero-emissions vehicles.

Finding Opportunities and Reducing Conflict in Siting Photovoltaic Solar Power Generation Facilities

The bill directs the Department of Energy and the Department of Land Conservation and Development to establish the Finding Opportunities and Reducing Conflict in Energy Siting Process to identify locations best suited to site renewable energy or transmission development and ways to streamline or expedite the siting process for renewable energy or transmission development.

Oregon Climate Action Commission

Changes name of "Oregon Global Warming Commission" to "Oregon Climate Action Commission." Modifies membership and duties of commission. Modifies state greenhouse gas emissions reduction goals. Directs state agencies to report to commission on progress toward achieving greenhouse gas emissions reduction goals. Directs Department of Environmental Quality, in consultation with commission, to evaluate opportunities to reduce Oregon's consumption-based greenhouse gas emissions and report to interim committees of Legislative Assembly related to environment no later than September 15, 2024.

State Policy for Natural Climate Solutions

The bill establishes state policy regarding natural climate solutions. Establishes Natural and Working Lands Fund and provides for transfer of moneys from fund to certain state agencies. Prescribes uses of moneys from fund and requires Oregon Global Warming Commission to report to legislature on uses of moneys from fund. Directs State Department of Energy and commission to prepare inventory, baseline, activity-based metrics and community impact metrics for net carbon sequestration and storage in natural and working lands and establish carbon sequestration and storage goals. Directs State Department of Energy, in coordination with commission, to study workforce training programs needed to support adoption of natural climate solutions and provide results to committees of Legislative Assembly related to environment no later than September 15, 2024. Authorizes commission to appoint natural and working lands advisory committee. Takes effect on 91st day following adjournment sine die.

Extends Sunset for Solar and Storage System Rebate Program

Extends to January 2, 2029, sunset of program for provision of rebate for construction or installation of solar electric system or paired solar and storage system, for residential customer or low-income service provider, on real property in Oregon. Modifies definition of "paired solar and storage system." Requires State Department of Energy, under renewable energy production system grant program, to waive requirement that construction begin within 12 months of grant award if construction was delayed because of supply chain or workforce disruptions or shortages related to COVID-19 pandemic and construction began between March 1, 2020, and March 31, 2022.

Residential Heat Pump Program; Air Conditioner and Air Filter Deployment Program Extends Residential Heat Pump Fund until January 2, 2026. Appropriates moneys to Oregon Health Authority for air conditioner and air filter deployment program. Declares emergency, effective on passage.

Community Climate Investment Entities

The bill authorizes the Environmental Quality Commission to establish by rule the fee to be paid by community climate investment entities.

Harmful Algal Blooms

The bill declares harmful algal blooms to be menace to public health and welfare. Directs Oregon Health Authority to identify water sources susceptible to harmful algal blooms, monitor and test susceptible waters and develop protocol for advisory alerts. Directs Department of Environmental Quality to develop response strategy to harmful algal blooms, produce and maintain relevant data, identify sources of pollutants, develop strategies to reduce pollutants and determine causes of harmful algal blooms.

Resilience Hubs and Networks

The bill directs the Department of Human Services to provide grants, support and technical assistance for resilience hubs and networks in Oregon.

Plan for implementing House Bill 3409:

Most of the bill does not impact the division, but because the bill is so extensive, this summary will address the plan for each specific section that does impact the division separately.

Designated State Agency Programs for Energy Efficiency in Buildings

This section requires that the division consider greenhouse gas (GHG) emission goals as a part of executing agency actions. The division intends to seek legal advice from the DOJ on how best to balance the priorities outlined in this section of the bill with other statutory priorities that are set out for the division and the state building code.

Department of Consumer and Business Services: Energy Efficiency in Buildings

The division intends to fulfill the requirements of this section in consultation with the appropriate advisory boards.

Similarly to the previous section, the division intends to consult with DOJ agency counsel to get advice on the impact of the new priorities created by this section of the bill and how those priorities interact with already existing statutory requirements on the division and the state building code.

The division is determining the best way to consult with the Environmental Justice Council when evaluating the priorities that the department sets and actions the department takes to adapt to and mitigate the impacts of climate change. It will likely involve a regular check in with the council and updating on the relevant actions being taken by the division.

The division will continue to fulfill the reporting requirements that were first created by executive order 20-04 and with this bill are now required starting in 2023 and every three years after.

The division was appropriated funding for 1-2 additional positions to assist with the assessment of lower carbon building materials and anticipates contracting with a third party to help prepare the study of lower carbon materials in the statewide building code.

Energy Performance Standards for Covered Commercial Buildings

The division will be available to consult with the Department of Energy on the directives in this section.

HB 5506 End of session funding bill, grant program extension

Bill

Summary: This is the end of session “Christmas tree bill.” It is extensive with a few hundred sections. Please refer to the bill to get the full scope of its contents but the Building Codes Division does make special note of Section 270 which allocates \$6,300,000 to continue funding the fire hardening grant program that the division has been administering in partnership with the counties impacted by the 2020 wildfires. The legislature extended the program through the end of the 2024-25 biennium and extended eligibility to those own buildings damaged in the 2021 wildfires.

Plan: The Building Codes Division will continue to partner with impacted counties to administer the grant program that has been operating since the start of 2022. The division has updated its rules to conform with the updated directive from the legislature and is executing new agreements with participating counties.

**Agenda Item
VII.A.**

The bold italic bullets are amended showing the latest published editions to be used for code adoption

State of Oregon

Board memo

Building Codes Division

January 16, 2024

To: Board of Boiler Rules

From: Ian Paik, policy analyst, Policy and Technical Services

Subject: 2024 Oregon Boiler and Pressure Vessel Specialty Code adoption

Action requested:

- Board determination of the appropriate model codes to use as a baseline for the 2024 Oregon Boiler and Pressure Vessel Specialty Code
- Board decision on whether to form a code review committee, and to solicit members of the committee if one is being formed
- Board determination on when to accept public proposals for the inclusion in the 2024 Oregon Boiler and Pressure Vessel Specialty Code

Background:

The Oregon Boiler and Pressure Vessel Specialty Code is adopted with the approval of the Board of Boiler Rules as part of the state building code and sets minimum safety standards for boilers, pressure vessels, pressure piping, parts, items, and repair and alteration procedures. The division is planning on adopting the 2024 Oregon Boiler and Pressure Vessel Specialty Code with an effective date of October 1, 2024, and, with the approval of the board, is starting the process of adoption.

The division recommends selecting the latest published editions of the following standards as the model code that will be used as the baseline for the 2024 Oregon Boiler and Pressure Vessel Specialty Code:

- 2023 National Board Inspection Code ANSI/NB 23
- 2023 ASME Boiler and Pressure Vessel Code
- ***2024 ANSI/ASME B31.1 Power Piping Code***
- 2022 ANSI/ASME B31.3 Process Piping Code
- 2022 ANSI/ASME B31.5 Refrigeration Piping Code
- ***2023 ANSI/ASME B31.9 Building Service Piping Code***
- 2023 NFPA 85, Boiler and Combustion Systems Hazard Code
- 2021 ASME CSD-1 Controls & Safety Devices for Automatically Fired Boilers

- 2023 ASME PVHO-1, Pressure Vessels for Human Occupancy

The division has completed a proposed timeline for developing the 2024 Oregon Boiler and Pressure Vessel Specialty Code and a document detailing that timeline is available in the board packet. This is a basic overview of the start of that proposed timeline:

- **January 16, 2024:** The board announces that a code review committee will be formed to create a proposed 2024 Oregon Boiler and Pressure Vessel Specialty Code, and directs the division to solicit members for the code review committee.
- **January 17, 2024 to January 31, 2024:** The division will post a notice to the division website requesting interested parties to apply to participate as a member of the code review committee. The committee member solicitation period will last for 14 days until January 31, 2024.
- **January 17, 2024 to March 2, 2024:** The division will post a notice with instructions on submitting a code amendment proposal. The notice will also be sent out through email to all those who have signed up for email updates on the division website. The public code amendment proposal period will remain open for 45 days until March 2, 2024.
- **March 5, 2024:** The board will select and approve the committee members and, also select a committee chair.
- **April 2024:** The code review committee anticipates having one or two public committee meetings.
- **June 4, 2024:** The board will review the code review committee's recommendations and approve a final recommendation to the division for adoption.
- **July 2024:** The division will hold a public rulemaking hearing where interested parties can provide testimony about the proposed code provisions.
- **October 1, 2024:** The code's anticipated effective date is October 1, 2024.

The scheduled meetings of the code review committee will be determined based on the availability of the code committee members. The meetings will occur after the close of the public code proposal period.

Options:

- Approve the division's proposed code adoption process steps and recommended model codes.
- Amend and approve the division's proposed code adoption process steps and recommended model codes.
- Disapprove the division's proposed code adoption process steps and recommended model codes and provide guidance as to how the board wishes to proceed.

State of Oregon

Board memo

Building Codes Division

January 16, 2024

To: Board of Boiler Rules

From: Ian Paik, policy analyst, Policy and Technical Services

Subject: 2024 Oregon Boiler and Pressure Vessel Specialty Code adoption

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The division recommends selecting the latest published editions of the following standards as the model code that will be used as the baseline for the 2024 Oregon Boiler and Pressure Vessel Specialty Code:

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- 2022 ANSI/ASME B31.3 Process Piping Code
- 2022 ANSI/ASME B31.5 Refrigeration Piping Code
- 2020 ANSI/ASME B31.9 Building Service Piping Code
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The division has completed a proposed timeline for developing the 2024 Oregon Boiler and Pressure Vessel Specialty Code and a document detailing that timeline is available in the board packet. This is a basic overview of the start of that proposed timeline:

- **January 16, 2024:** The board announces that a code review committee will be formed to create a proposed 2024 Oregon Boiler and Pressure Vessel Specialty Code, and directs the division to solicit members for the code review committee.
- **January 17, 2024 to January 31, 2024:** The division will post a notice to the division website requesting interested parties to apply to participate as a member of the code review committee. The committee member solicitation period will last for 14 days until January 31, 2024.
- **January 17, 2024 to March 2, 2024:** The division will post a notice with instructions on submitting a code amendment proposal. The notice will also be sent out through email to all those who have signed up for email updates on the division website. The public code amendment proposal period will remain open for 45 days until March 2, 2024.
- **March 5, 2024:** The board will select and approve the committee members and, also select a committee chair.
- **April 2024:** The code review committee anticipates having one or two public committee meetings.
- **June 4, 2024:** The board will review the code review committee's recommendations and approve a final recommendation to the division for adoption.
- **July 2024:** The division will hold a public rulemaking hearing where interested parties can provide testimony about the proposed code provisions.
- **October 1, 2024:** The code's anticipated effective date is October 1, 2024.

The scheduled meetings of the code review committee will be determined based on the availability of the code committee members. The meetings will occur after the close of the public code proposal period.

Options:

- Approve the division's proposed code adoption process steps and recommended model codes.
- Amend and approve the division's proposed code adoption process steps and recommended model codes.
- Disapprove the division's proposed code adoption process steps and recommended model codes and provide guidance as to how the board wishes to proceed.

Oregon Boiler and Pressure Vessel Specialty Code 2024 edition



Anticipated timeline of adoption

Code development	<p>Jan. 17 – Jan. 31, 2024</p> <p>Committee member solicitation</p> <p>The division will post a notice on the division website requesting interested parties to apply to participate as a member of the code review committee.</p>
	<p>Jan. 17 – March 2, 2024</p> <p>Public code amendment proposal period</p> <p>The division posts a notice explaining how to submit a code amendment proposal. The notice will also be sent out through email to all those who have signed up for email updates on the division website.</p>
	<p>March 5, 2024</p> <p>Board of Boiler Rules meeting</p> <p>The Board of Boiler Rules will select and approve the committee members.</p>
Code review	<p>April 2024</p> <p>Code review committee meetings</p> <p>There are usually 1-2 code review committee meetings.</p> <p>The committee will review public code amendment proposals, model code standards, and existing Oregon amendments to make a recommendation to the Board of Boiler Rules for adoption.</p>
	<p>June 4, 2024</p> <p>Board of Boiler Rules meeting</p> <p>The Board of Boiler Rules will review the code review committee’s recommendation and make a final recommendation to the division for adoption.</p>
Rulemaking	<p>July 2024</p> <p>Public rulemaking hearing</p> <p>The division will hold a public hearing where interested parties can provide testimony about the proposed code provisions.</p>
	<p>Oct. 1, 2024</p> <p>Anticipated effective date</p> <p>The 2024 Oregon Boiler and Pressure Vessel Specialty Code will be available for use and posted on the division’s website.</p>

State of Oregon

Board memo

Building Codes Division

Jan. 16, 2024

To: Board of Boiler Rules

From: Ian Paik, policy analyst, Policy and Technical Services

Subject: Continuing Education Process Changes

Action requested:

Board of Boiler Rules consideration of changes to the Continuing Education processes and procedures to maximize efficiency.

Background:

The Board of Boiler Rules establishes continuing education requirements for all boiler licensees in order to ensure licensees possess up-to-date knowledge of the code and administrative requirements. The board sets standards for approval of courses and instructors in order to have a sufficient number and variety of continuing education courses available to licensees. The board also has the discretion to delegate the evaluation of courses and instructors for continuing education to the chief or a committee. Currently, the division uses a committee, as requested by the board, who evaluates courses and instructors for continuing education and provides recommendations to the board.

The division requests that the board review and approve the division's proposal to have the division provide final continuing education recommendations to the board rather than the committee. Under this proposal, the Chief Boiler Inspector will provide the recommendation to the board on behalf of the division.

Under OAR 918-035-0010(2), the board may delegate authority for course or instructor approval to a committee or the Building Codes Division. The division believes that this proposed change will create a more efficient process for the evaluation and recommendation of continuing education.

Options:

- Approve the division's proposal to have the division provide continuing education recommendations to the board.

- Amend and approve the division's proposal to have the division provide continuing education recommendations to the board.
- Disapprove the division's proposal to have the division provide continuing education recommendations to the board and continue using the committee for evaluation and recommendations.

State of Oregon

Board memo

Building Codes Division

January 16, 2024

To: Board of Boiler Rules

From: Ian Paik, 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 requirements for all boiler licensees in order to ensure licensees possess up-to-date knowledge of the code and administrative requirements. The board sets standards for approval of courses and instructors in order to have a sufficient number and variety of continuing education courses available to licensees.

The board's continuing education committee has been evaluating courses and instructors on the board's behalf. In December, the committee reviewed 3 applications from 1 organization:

- 2 courses were recommended for approval.
- 1 instructor was recommended for approval.

See attached summary for more information.

In addition to the Oregon Rule and Law criteria, the committee uses the following when reviewing applications:

- For correspondence courses – Provider must submit complete course and some method of verification that student has completed course.
- For online courses – Provider must submit a log-on or screen shots of course content.
- OSHA 10 and 30 courses are eligible for a maximum of 10 hours code-related credit.
- First Aid, CPR, AED, and OSHA related safety 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
January 16, 2024

Courses

	Applicant	Course Name	Committee Recommendation	Board Action
1	Local 290 Training Center Irais Gandarilla	OSHA 30 8 hours, CR	Approve for 2021 code cycle for 8 CR hours	
2	Local 290 Training Center Irais Gandarilla	Electrical Safety and Maintenance 8 hours, CR	Approve for 2021 code cycle	

Instructors

	Applicant	Committee Recommendation	Board Action
1	Scott DS Reedy Local 290 Training Center	Approve for 2021 code cycle	