

The Commonwealth of Massachusetts
 Office of Public Safety & Inspections
 Board of Building Regulations and Standards
 One Ashburton Place - Room 1301
 Boston, MA 02108

780 CMR - MASSACHUSETTS BUILDING CODE - AMENDMENT PROPOSAL FORM

Code (Indicate with an 'x')	<input type="checkbox"/> Ninth Edition Base <input type="checkbox"/> Ninth Edition One- and Two-Family Dwellings <input checked="" type="checkbox"/> IECC Amendments	<i>State Use Only</i>	
Date: 8/22/2018	N1103.3.3 (R403.3.3)	Date Received:	
Code Section:	R403 SYSTEMS - Duct testing	Code Change Number::	
Name and company affiliation if any: Air Conditioning Association of New England, Inc.			
Address: 11 Robert Tower Blvd. #234 North Attleboro, MA 02763		Telephone: 508-839-3407 Email: cflaherty@acane.org	

Indicate with an 'x' the type of amendment proposed:

- Change Section
 Add new section
 Delete section and substitute
 Delete section; no substitute
 Other, Explain:

Please type below the proposed amendment. If you propose to change a section, please copy the original text from the appropriate 2015 I-code and/or Massachusetts amendment. Indicate with strike out the text you propose to delete and add new text in either *italic* or **red** font. Also you please provide justification of your proposal as a second page and include information on the **Introduction and Background** of your proposal, **Pro and Con Reasons for Adoption** of it, a summary of estimated **Costs for Building Owners**, and **Life Safety Benefits** for building occupants. Also, please indicate whether or not the proposal has been presented to the International Code Council (ICC) for consideration. If not, please explain why the proposal is unique to Massachusetts. When complete email this file to Cesar.Lastra@state.ma.us. Please use additional pages if necessary.

Post-construction or rough-in testing and verification shall be done by a HERS Rater, HERS Rating Field Inspector, ~~or~~ an applicable BPI Certified Professional **or a Professionally Competent Licensed Sheet Metal Worker.**

Introduction and Background:

We feel that this amendment in its current form, does not produce the intended results. Licensed HVAC/Sheet Metal professionals possess the prerequisite knowledge and are uniquely equipped with the necessary tools to test duct system leakage rates.

Pro and Con Reasons for Adoption: Pros: Cons:

1. This amendment is in direct conflict with the Massachusetts General Laws. Duct testing is by statute the domain of the Sheet Metal Board. (See supporting document (1) on the next page).
2. This amendment is impractical. It places a burden on people who are not always equipped to do such work, like having a tall ladder.

3. It unnecessarily imposes additional costs on consumers by duplicating services that in many cases were already done by the HVAC people.
4. It greatly inconveniences the consumer by imposing one more sub-contractor and at least one more inspection and requiring the consumer to take additional days off from work. It is hard to schedule HERS Raters around the customer's needs.
5. This amendment contradicts State Law regarding licensing and singles out one trade (sheet metal workers) from checking and testing their own work. Other trades can test their own work.
6. The AHJ has no power to enforce the provision in this amendment on persons not licensed under the BBRs. HERS Raters and BPI persons hold certifications that are not under the jurisdiction of the Commonwealth.
7. The IECC 2015 and IRC 2015 model codes are purposely neutral on the qualifications required for testing a ducted system. Ma. State law is very clear on this same question; it is the work of a licensed sheet metal worker.
8. It should be noted that the ICC Model Codes have clear statements of intent. (See supporting document (2) below

Costs to Building Owners:

This will decrease the cost to the building owner.

Life Safety Benefits:

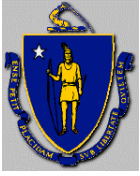
The adoption of this amendment has no impact on the Life Safety Benefits.

Supporting Documents:

- (1) *HOUSE- No. 4804 (excerpt)*
In the Year Two Thousand and Eight
AN ACT RELATIVE TO THE LICENSING OF SHEET METAL WORKERS AND SHEET METAL CONTRACTORS.
Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:
- 1 SECTION 1. Chapter 13 of the General Laws is hereby amended by inserting at the end*
There of the following section:—.....
18 "Sheet metal", manufacturing, fabrication, assembling, han-
19 dling, erection, installation, dismantling, conditioning, adjustment,
20 alteration, repairing, and servicing of all commercial and indus-
21 trial air-veyor systems including, but not limited, air handling sys-
22 terns regardless of the material used, including specifically the
handling, fabricating, setting, installation, assembling, disman-
24 tling, adjustment, alteration, reconditioning, repairing of all duct-
25 work; installation of fans, sheaves, belt guards, dampers, louvers,
26 screens, registers, grilles, diffusers, sound traps, attenuators,
27 mixing boxes, access doors related to air handling systems,
28 breaching, hoods, and any and all appurtenances relating to
29 heating, ventilation, air conditioning and exhaust systems, com-
30 mercial and industrial architectural sheet metal water shed roof
*31 systems, **the testing, adjusting, and balancing of all air-handling***
***32 equipment and ductwork**, the fabrication and installation of com-*
33 mercial and industrial kitchen hoods, kitchen vents, bathroom
34 exhaust vents and fans.

(2) **N1101.2 (R101.3) Intent.**

This code shall regulate the design and construction of buildings for the effective use and conservation of energy over the useful life of each building. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve this objective. **This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.**



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Date: 8/22/2018	N1103.6.2	Date Received:	
Code Section:	R403 SYSTEMS - Mechanical Ventilation	Code Change Number::	
Name and company affiliation if any: Air Conditioning Association of New England, Inc. (ACA/NE)			
Address: 11 Robert Tower Blvd #234 North Attleboro, MA 02763		Telephone: 508-839-3407 Email: cflaherty@acane.org	

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Installed performance of the mechanical ventilation system shall be tested and verified by a HERS Rater, HERS Rater Field Inspector, ~~or~~ an applicable BPI Certified Professional **or a Professionally Competent Licensed Sheet Metal Worker**, and measured using a flow hood, flow grid, or other air flow measuring device in accordance with RESNET Standard Chapter 8 or ACCA Standard 5.

Introduction and Background:

We feel that this amendment in its current form, does not produce the intended results. Licensed HVAC/Sheet Metal professionals possess the prerequisite knowledge and are uniquely equipped with the necessary tools to test duct system leakage rates.

Pro and Con Reasons for Adoption: Pros: Cons:

- This amendment is in direct conflict with the Massachusetts General Laws. Duct testing is by statute the domain of the Sheet Metal Board. (See supporting document on the next page).**

2. This amendment is impractical. It places a burden on people who are not always equipped to do such work, like having a tall ladder.
3. It unnecessarily imposes additional costs on consumers by duplicating services that in many cases were already done by the HVAC people.
4. It greatly inconveniences the consumer by imposing one more sub-contractor and at least one more inspection and requiring the consumer to take additional days off from work. It is hard to schedule HERS Raters around the customer's needs.
5. This amendment singles out one trade from checking and testing their own work. All other trades are allowed to test their own work.
6. The AHJ has no power to enforce the provision in this amendment on persons not licensed under the BBRs. HERS Raters and BPI persons hold certifications that are not under the jurisdiction of the Commonwealth.
7. The IECC 2015 and IRC 2015 model codes are purposely neutral on the qualifications required for testing the performance of the mechanical ventilation system. Ma. State law is very clear on this same question; it is the work of a licensed sheet metal worker.

Costs to Building Owners:

This will decrease the cost to the building owner.

Life Safety Benefits:

The adoption of this amendment has no impact on the Life Safety Benefits.

Supporting Documents:

- (1) *HOUSE- No. 4804 (excerpt)*
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