

M E M O R A N D U M

TO: ACA NE Members
FROM: David R. Kerrigan, Legal Counsel to ACA NE Board
DATE: October 24, 2019
SUBJECT: Construction Supervisor License for HVAC

ACA NE proposes to create a class of construction supervisor's licenses for HVAC work, a new CSL HVAC license designation. This is to be accomplished by filing a request with the State Board of Building Regulations and Standards to amend the Building Code, 780 C.M.R. 110.R5 to include a designation of construction supervisor license - HVAC in a license designation table.

After receipt of the request, the BBRS publishes notice of its intent to amend the regulation, receives comments, and would likely conduct a public hearing. The process can take several months, but it is done through the Board, not through the Legislature.

There are two primary goals for ACA NE to propose this amendment. First, after the license is created, ACA NE will work with the BBRS to standardize the permit application process for HVAC work, with the goal of eliminating the ad hoc requirements local building inspectors impose upon ACA NE members. Second, there have been efforts over the years to license HVAC work under other boards, such as the Bureau of Pipefitters, Refrigeration Technicians and Sprinkler fitters, and this process should end those other efforts.

If this is successful, there are a number of requirements which would then apply to this construction supervisor license designation. A partial list includes:

- Licensees must submit an application and have at least three years of experience in the field.
- The BBRS would administer a test and determine a successful exam score.
- A majority vote of the members of the BBRS would be needed to grant a license to the applicant.
- The licenses would be good for three years initially and then renewable after every two years.
- The licensee is subject to oversight by the BBRS and can face reprimand, suspension or revocation for making false statements, violating the building code, working without a permit, or other violations.

There are also responsibilities for this CSL, including:

- Licensees are completely responsible for all work they are supervising.
- A licensed construction supervisor shall be present on the site at some point to approve construction involving various work, and the license holder shall be completely responsible for work which they are supervising.
- The licensee would be subject to continuing education requirements. The current requirement for specialty licenses, such as this proposed designation, is 6 hours every two years.