



11 Robert Toner Blvd., # 234 | North Attleboro, MA 02763 | Phone: 508-839-3407 | www.acane.org

FACT SHEET

Proposed Regulation Amendment 780 C.M.R. § 110.R5 CSL HVAC

Summary:

The Air Conditioning Association of New England (ACA/NE) has submitted a proposal to the Massachusetts Board of Building Regulations and Standards (BBRS) to create a HVAC Construction Supervisors License (CSL). The scope of work covered under the new license would include the construction, reconstruction, installation, maintenance, repair or removal of heating, ventilation and air conditioning systems of less than ten-ton capacity.

The new license would be subject to all of the obligations currently imposed on other construction supervisors.

ACA/NE and its members anticipate that the new HVAC CSL will result in a simplified and uniform HVAC permit. The certification, testing, continuing education and licensing guideline will be developed by the BBRS with assistance and input from the relevant parties, including city and town building inspectors.

It makes sense to develop an HVAC CSL through the BBRS because ninety percent (90%) of the work that residential contractors do is defined in the International Energy Conservation (IEC) and the International Residential Codes (IRC) is already under the authority of the BBRS. Additionally, the mission of the BBRS is SAFETY and Health of the people and building.

Background and Rationale for the Proposed Amendment

The HVAC CSL would provide several benefits for ACA/NE members and the public. The HVAC CSL will:

- Simplify and unify the permitting process to perform residential HVAC work;
- Increase the efficacy of energy conservation and efficiency measures now in use, with the increased emphasis of performance-based, rather than prescriptive-based code requirements;
- Improve the quality of services HVAC contractors provide to residential customers;
- Bring certification, training, testing and continuing education requirements for licensed professionals responsible for performing residential HVAC work;
- Improve accountability and the quality of services being offered to the public;
- Require that technicians demonstrate their knowledge of and expertise in all matters of safety procedures; and
- Provide oversight by professional building code administrators who will be charged with the inspection of all work performed.

The Training for Expertise and Safety

While HVAC technicians already receive a great deal of training before they perform installation and repair services, this amendment will serve to improve the quality of HVAC services offered to the public.

Increased accountability and oversight will improve public safety. Specific educational and safety training will be required before a residential technician can obtain a HVAC CSL.

Specific Training Requirements may include:

Industry Code

- Residential Code
- International Energy Code

General Business Safety

- Asbestos Awareness
- Burns and Cuts
- Business Practices for Small Contractors
- Carbon Monoxide Safety
- Combustion Analyzing
- Cylinder Handling
- Dangers of Electrical Hazards
- Distracted Driving, Driving Safely
- Eye Protection and Eye Washing
- Fan Safety
- Fire Prevention, Protection and Emergency Egress Safety
- Fire Safety
- First Aid
- Fixed and Portable Ladder Safety
- HotWorks
- Job Site Safety
- Ladders and Falls
- Lead Safe Practices
- Material Handling
- Mold, Respiratory Masks,
- Osha 10
- Personal Protective Equipment
- Safety Clothing
- Slip, Trip and Fall Hazard Protection
- Tag Out/Lock Out

- Walking on Icy Surfaces
- Working in Confined Spaced,
Working in Hot Attics Safety
- Soldering, Brazing and Welding
- Workplace Safety

HVAC Technical Certification

- ACCA Manual J
- ACCA Manual D
- ACCA Manual S
- Air Conditioning
- Air Distribution
- Airflow Basics
- Basic HVAC Equipment Types
- Electrical Components
- Electrical Measurement
- Filtration
- Gas Furnaces
- Heat Pumps
- HVAC Refrigeration Components
and Hand Tools
- Hydronic System Basics
- Hydronics Gas
- Hydronics Oil
- Maintenance Inspection Basics
- North American Technician Excellence
(NATE) Official HVAC Certification
- Oil Furnaces
- Room Temperature Differences
- System Installation Basic

The Cost

ACA/NE and its member anticipate that any increase in cost to their members to obtain and maintain the HVAC CSL will be minimal, and these costs are unlikely to be passed on to consumers.

Grandfather Clause

Candidates for the HVAC CSL who can demonstrate to the satisfaction of the BBRS that they have at least five years' experience in the supervision of individuals engaged in the construction, reconstruction, installation, maintenance, repair or removal of heating, ventilation and air conditioning systems of less than ten-ton capacity, may elect to and if requested, shall receive a license in this category without being required to take the exam.

This exception shall remain in effect until December 31, 2021, provided acceptable evidence is provided to the BBRS in the form of a letter attested to by the candidate indicating that he/she possesses the minimum qualifications while identifying specific projects, noting the owner and address, and spanning at least five years in which the candidate was involved.

What is the Air Conditioning Association of New England (ACA/NE)?

ACA/NE is a not-for-profit trade association for residential heating, ventilating, air conditioning and refrigeration contractors. ACA/NE represents and serves companies that design, install, service and repair air conditioning, heating, refrigeration, air purification, ventilating systems, plumbing, piping, sheet metal and energy management systems of all sizes and complexities. The membership includes manufacturers of equipment, wholesalers and distributors of equipment, vocational and technical schools, and others with an interest in the HVAC/R industry.

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 Board of Building Regulations and Standards
 One Ashburton Place - Room 1301
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780 CMR - MASSACHUSETTS BUILDING CODE - AMENDMENT PROPOSAL FORM

Code (Indicate with an 'x')	<input type="checkbox"/> Ninth Edition Base <input checked="" type="checkbox"/> Ninth Edition One- and Two-Family Dwellings	<i>State Use Only</i>	
Date:	December 5, 2019	Date Received:	
Code Section:	780 C.M.R. 110.R5	Code Change Number::	
Name and company affiliation if any: David R. Kerrigan, Kenney & Sams, P.C. on behalf of Air Conditioning Association of New England			
Address: ACA NE 11 Robert Toner Boulevard, #234 North Attleboro, MA 02763		Telephone: ACA NE: 508-838-3407; Kenney & Sams: 508-490-8500 Email: cflaherty@acane.org and drkerrigan@kslegal.com	

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.

Introduction and Background: See attached Exhibit B.

Pro and Con Reasons for Adoption: Pros: Cons: See attached Exhibit B.

Costs to Building Owners: There will likely be some minimal cost to the companies who decide to have employees obtain a CSL/HVAC license. Little to no cost impact is expected for the public.

Life Safety Benefits: Improved accountability and oversight should only improve HVAC installation safety. See Exhibit B.

Exhibit B

Background and Rationale for the Proposed Amendment.

ACA NE submits this proposed amendment to create a new specialty category of Construction Supervisor's license for HVAC work. This amendment and recently license requirement is designed to improve the quality of services HVAC contractors provide to residential customers, with the dual goal of simplifying the building permitting process for these services. Cities and towns contain a variety of building permitting application forms and needs for HVAC contractors to obtain building permits. ACA NE and its members anticipate that allowing this amendment will eventually result in a simplified and uniform HVAC permit for the BBRS to develop with assistance and input from the relevant parties, including cities, towns and ACA NE. In addition, because HVAC technicians and installers work without licensing oversight by any agency, making these services subject to the work experience, testing, and oversight obligations imposed by the BBRS will serve to improve accountability, the quality of services being offered to the public, and safety.

This proposal is unique to Massachusetts and has not been proposed to the International Code Council.

Pros of the Proposed Change

Improved service and anticipated unified and simplified building permit processes.

Cons for the Proposed Change

ACA NE is not aware of any reason why the proposed amendment should not be enacted.

Estimated Impact on Life Safety

While HVAC technicians already receive a great deal of training before they perform installation and repair services, this amendment will only serve to improve the quality of HVAC services offered to the public. Increased accountability and oversight can only act to improve life safety for the public.

Estimated Impact on Cost

ACA NE and its member anticipate that any increase in cost to their members to obtain and maintain the HVAC CSL license will be minimal, and these costs are unlikely to be passed on to consumers.

Code	Designation	Note 1	Table 110.R5.1 Construction Supervisor License (CSL) Scope of Work
None	CSL	a, b, c, d	Construction, reconstruction, alteration, repair, removal, or demolition
None	CSL 1&2 Family Dwellings	b	Construction, reconstruction, alteration, repair, removal, or demolition
1A	CSL Masonry	a, b, c, d	Construction, reconstruction, alteration, repair, removal, or demolition of masonry structure that require a permit. Not applicable for construction of masonry buildings
RF	CSL Roof Covering	a, b, c	Construction, reconstruction, alteration, repair, or removal of roof covering, including repair and replacement of 25% of sheathing and 25% of sistering roof rafters
WS	CSL Window and Siding	a, b, c	Construction, reconstruction, alteration, repair, or removal of doors, windows and siding including repair and replacement of damaged window or door framing <4' wide and up to 25% of sheathing
SF	CSL Solid Fuel-Burning Appliance	a, b, c	Installation of solid fuel burning appliances but does not allow work on any structural elements, including sheathing, with the exception of that required for the installation of either the inlet or exhaust elements
DM	CSL Demolition	a, b, c, d	Demolition only
IC	CSL Insulation	a, b, c	Installation of insulation including repair and replacement of sheathing and siding necessary to access wall cavities
HVAC	CSL HVAC	b	Construction, reconstruction, installation, maintenance, repair or removal of heating, ventilation, and air conditioning systems of less than ten ton capacity.
b. Specialty License		a. formerly known as "00, Unrestricted" CSL	
Note 1: Building types and Structures			
a	Buildings of any use group which contain less than 35,000 cubic feet (991m ³) of enclosed space.		
B	One- and two – family dwellings or any accessory building thereto, irrespective of size.		
C	Building or structures for agricultural use.		
D	Retaining walls less than ten feet in height at all points along the wall as measured from the base of the footing to the top of the wall.		

110.R5.2.1

110.R5.2.1 Qualifications. A construction supervisor license candidate shall demonstrate that he or she has had at least three years of experience in their field. This experience shall have been completed within the ten-year period prior to the date of application. Successful completion of certain educational programs may satisfy one to two years of required experience. In addition, all applicants are required to successfully pass an examination in order to receive a license. For a list of the pre-exam qualifications, access the examination application noted in 780 CMR 110.R5.2.2.

Exceptions: An individual holding a current certification in accordance with the requirements of 780 CMR 110.R7 shall be allowed to submit an application for an unrestricted construction supervisor license without the need for examination.

Candidates for an HVAC CSL who can demonstrate to the satisfaction of the Board that they have, within the ten-year period before application, at least five years' experience completed in the supervision of individuals engaged in the construction, reconstruction, installation, maintenance, repair or removal of heating, ventilation, and air conditioning systems of less than ten ton capacity, may elect to and if requested, shall receive a license in this category without being required to examine. This exception shall remain in effect until December 31, 2021, provided acceptable evidence is provided to the Board in the form of a letter attested to by the candidate indicating that he/she possesses the minimum qualifications and identifying specific projects, noting the owner and address and spanning a period of at least five years in which the candidate was involved.