

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:

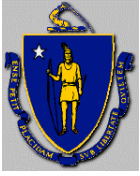
The adoption of this amendment has no impact on the Life Safety Benefits.

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

January 16, 2019

Charles Borstel, Commissioner
Division of Professional Licensure
1000 Washington Street, Suite 710
Boston, MA 02118-6100

Dear Commissioner Borstel,

I am writing to bring an issue of concern to your attention regarding an amendment that was adopted by the Board of Building Regulations and Standards (BBRS) and which has a negative impact on licensed sheet metal workers.

The BBRS amendment forbids licensed sheet metal workers from performing duct testing and testing of mechanical systems. The BBRS amendment allows HERS Rater, HERS Rating Field Inspectors, or an applicable BPI Certified Professionals to conduct duct testing and testing of mechanical systems.

According to Section 237, Chapter 112 of the General Laws, "the testing, adjusting, and balancing of all air-handling equipment and ductwork," is the domain of the licensed sheet metal worker.

Clearly the BBRS amendment is in direct and clear contradiction of the law and we do not believe that the language is subject to interpretation. The law does not allow anyone without a sheet metal license to test ductwork. Instead we believe that HERS Raters and BPI certified professionals would need a sheet metal license to perform this work: otherwise, it constitutes practicing without a license and a violation of G.L. c. 112 §246.

ACA/NE brought this issue to the attention of the BBRS Board and to resolve the conflict without resorting to legal action, we filed compromise Code Amendment Proposals that would allow professionally competent licensed sheet metal workers to be included in the list of professionals who could perform duct testing and testing of mechanical systems.

The Massachusetts Department of Energy Resources (DOER) has opposed the ACA/NE amendments and has suggested that licensed sheet metal workers obtain BPI Certification. The DOER has also filed an Amendment Proposal for the Ninth Edition of the IECC that would bar licensed sheet metal workers from performing this work.

We bring this to your attention because we would appreciate it if you and the Sheet Metal Board would provide clarification regarding the statute so that the issue could be resolved with the BBRs.

We would also appreciate it if we could schedule a meeting with you to discuss our concerns and a possible resolution to the conflict.

The ACA/NE amendments are attached. Additional information is below.

I will call your office to see if it is possible to schedule a meeting.

Thank you for your consideration of our concerns.

Regards,



Catherine Flaherty
Executive Director

Massachusetts General Laws -- Chapter 232, AN ACT RELATIVE TO THE LICENSING OF SHEET METAL WORKERS.

SECTION 2. Chapter 112 of the General Laws is hereby amended by adding the following 15 sections:-

Section 237. As used in this section and sections 237 to 251, inclusive, the following words shall have the following meanings unless the context requires otherwise:

“**Sheet metal work**”, the manufacturing, fabrication, assembling, handling, erection, installation, dismantling, alteration and repairing of all commercial duct or air exhaust systems, except for refrigeration and combustion units; installation of commercial fans, sheaves, belt guards, dampers, louvers, screens, registers, grilles, diffusers, sound traps, attenuators, mixing boxes and access doors in connection with duct or air exhaust systems, commercial and industrial architectural sheet metal watershed roof systems, except for roof coverings and associated metal flashing; **the testing, adjusting and air-balancing of all air-handling equipment** and ductwork installed during new or remodeling construction, the installation of commercial and industrial kitchen hoods, kitchen vents, bathroom exhaust vents and fans; provided, however, that sheet metal work shall not include the work conducted by a licensed pipe fitter, oil burning technician, refrigeration technician, plumber or gasfitter as determined by the laws and regulations relating to those professions; and provided further, that nothing in this section shall be construed to supercede chapters 142 and 146.

BBRS Amendment**N1103.3.3 (R403.3.3) Add the following paragraph before the exception:**

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.

ACA/NE Proposed Amendments**R403 SYSTEMS – Mechanical Ventilation**

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.

R403 SYSTEMS – Duct testing

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.