



**STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
BOARD OF BOILER RULES
220 FRENCH LANDING DRIVE
NASHVILLE, TENNESSEE 37243
(615) 741-2123**

MINUTES

**QUARTERLY MEETING OF THE
STATE OF TENNESSEE
BOARD OF BOILER RULES
9:00 A.M. (CT) DECEMBER 5, 2012
TOSHA HEARING ROOM - FIRST FLOOR
220 FRENCH LANDING DRIVE
NASHVILLE, TENNESSEE**

- I. **CALL TO ORDER** – (2) – Chairman Lunn called the meeting to order at 9:00 a.m. (CT).
- II. **INTRODUCTIONS AND ANNOUNCEMENTS** – (22) – Board members present: Eddie Lunn; Dr. Domenic Canonico; Brian Morelock; Ed Vance; Eugene Robinson; and Dave Baughman. Department of Labor & Workforce Development employees in attendance: Arthur Franklin, Jr.; Sydné Ewell; Chad Bryan; Carolyn Sherrod; Deborah Rhone and Neil Jackson. Guests present: Marty Toth; Jeff Benson; Ernest Hudgins; Chris Soper; George Cooper; and Floyd Yates.
 - (10) – Former Assistant Administrator, Gary Cookston has retired, the Board wishes him the best.
 - (15) – Board Secretary, Carlene Bennett is undergoing major surgery today, all thoughts and prayers are appreciated.

(36) – Introduction of the newest Board member, Dave Baughman. Mr. Baughman has been with Allied Boiler & Supply Company in Murfreesboro, Tennessee for over thirty-five years.

(52) - Sydné Ewell announced that in the event of an emergency or natural disaster, security personnel would take attendees to a safe place in the building or direct them to exit the building on the Rosa Park side.

III. **ANNUAL CONFLICT OF INTEREST ACKNOWLEDGEMENT AND CONFLICT OF INTEREST DISCLOSURE** – (60) – Annual conflict of interest acknowledgements and conflict of interest disclosures were completed by Board members in attendance.

IV. **ADOPTION OF THE AGENDA** – (67) – Brian Morelock made a motion to adopt the agenda. Eugene Robinson seconded the motion. Brian Morelock asked that a document identified as *BI12-17 / Remote Emergency Stops* be added as an old business item. Chad Bryan asked that Valero be added to the agenda as item 12-21 to give their annual review of their Risk Based Inspection (RBI) program. The vote was taken to adopt the agenda as amended and the motion carried.

V. **APPROVAL OF THE SEPTEMBER 20, 2012 QUARTERLY MEETING MINUTES** - (93) - Brian Morelock made a motion to adopt the September 20, 2012 minutes as written. The motion was seconded by Dr. Canonico.

- Marty Toth pointed out that on page six (6), in the motion for item BI 12-17, there is a reference to the 1989 code which should be the 1998 code.
- Brian Morelock said the bottom of page six states a recommendation that the Chief Boiler Inspector mail a copy of Board Case BC 12-18 to all repair companies. He asked if that had happened. Chief Bryan said it had not, but it would.
- Eugene Robinson asked Brian Morelock if the National Board's synopsis of our jurisdiction would be updated to state that Tennessee now recognizes routine repairs. Brian Morelock replied that it would.

The vote was taken and the motion carried to approve the September 20, 2012 minutes as amended.

VI. **CHIEF'S REPORT** – (155) - Chief Bryan's report covers data from July-September 2012.

- Eight-thousand five-hundred and sixty-seven (8,567) total inspections performed.
- Two-thousand four-hundred and forty-four (2,444) total delinquents.
- Forty-seven (47) violations found.

- Twenty-four (24) uncorrected code violations.
- Seven (7) quality control reviews performed.
- Four (4) boiler variance Inspections performed.

VII. OLD BUSINESS

BI 12-17 – (170) – Remote Emergency Stops – Brian Morelock made a motion to adopt BI12-17 based upon the amended document with a re-issue date of December 5, 2012 as presented to the Board. Dr. Canonico seconded the motion. The vote was taken and the motion carried with Chairman Lunn abstaining. Discussion on the agenda item was as follows:

- Eugene Robinson asked for clarification on: "*Reply (3) ...not as a disconnecting means*". Marty Toth said in CSD-1 testing CE-100 it is going to require the boiler to have a disconnecting means such as a breaker box that has to be on the boiler or adjacent to the boiler. What this means is that the emergency stop cannot be that disconnecting means. You will see that on page two (2) at the top: "*ASME CSD-1-1998, CE-100(a), A disconnecting means capable of being locked in the open position shall be installed at an accessible location at the boiler so that the boiler can be disconnected from all sources of potential. This disconnecting means shall be an integral part of the boiler or adjacent to it.*" It goes on to discuss the remote emergency stop.
- Eugene Robinson said he struggled with Question (5), he asked if it was a mandated requirement. Mr. Toth said it is not mandated by CSD-1. The interpretation whether the Board will allow the emergency stop being placed into a tamper resistant box versus out in the open. The answer is: "*Yes; as long as the box is clearly labeled and readily accessible without the need of a key to access.*" Dave Baughman said Inspectors should be diligent to check the emergency switch during inspection to ensure nobody has put a lock on it.
- Marty Toth said his suggested response to Question (6) in September was "Yes" since then he has amended that because CSD-1 reads "should". If the Board and Chief Bryan feel it is necessary to put a remote emergency stop outside every entrance/exit that would be completely up to them.
- Dave Baughman confirmed with Marty Toth that the State is under ASME CSD-1-1998. Mr. Baughman and Mr. Toth discussed adoption of a later edition of CSD-1 and other construction codes. Brian Morelock said this agenda item could be approved and at a later date the Board could take up the adoption of more current editions of codes as a separate agenda item.

VIII. NEW BUSINESS

12-19 – (438) - Covenant Health and Roane Medical Center, 8045 Roane Medical Center Drive, Harriman, Tennessee is requesting a variance on two (2) high-pressure boilers that operate under the requirements of Chapter 0800-03-03-.04(22). Chairman Lunn verbally expressed a conflict of interest with this agenda item. A motion was made by Dr. Canonico to discuss. Brian Morelock

seconded the motion. Ernest Hudgins and Jeff Benson presented this item to the Board. The variance is for two (2) high pressure boilers to produce high pressure steam for domestic hot water, sterile processing, and heating. The high pressure boilers are operated on demand twenty-four (24) hours per day, seven (7) days per week.

- Dr. Canonico – On page one (1) how often are boilers on twenty-four (24) hours per day, seven (7) days per week? The answer was that one (1) boiler is on all the time, the second boiler is the one on demand.
- Dr. Canonico - On page two (2), I., 3. *"This frees the Boiler Attendants to work outside the boiler room and perform additional on-site maintenance functions during their assigned shift, while maintaining 24-hour monitoring of the boiler operation."* Dr. Canonico asked the representatives to define "monitoring". They replied that there is at least one (1) person twenty-four (24) hours per day, three-hundred and sixty-five (365) days per year who is responsible for monitoring the life safety, fire alarm, medical gas, and other critical alarms. That job is titled "Emergency Dispatcher".
- Dr. Canonico – On page two (2), III, next to the last sentence reads: *"An instruction placard instructs the staff in the proper sequence for response to a boiler alarm."* Is there also formal training offered? On page four (4) under "Training" it reads: *"The personnel shall be familiarized with the emergency procedures..."* and *"Newly assigned personnel will be required to read and be familiar with these procedures."* Reading isn't training, is there formal training offered? The representative referred the Board to page seven (7), under "Training" which reads: *"Employees will receive 16 hours training on the operation of the boilers and Johnson Controls System. Annually, employees will receive 4 hours of refresher training."* Brian Morelock said his issue is the statement is for Boiler Attendants. If that training is also provided to others such as the Emergency Dispatcher, it should be noted in the manual. Page four (4) says one thing and page seven (7) says another.
- Eugene Robinson said that the title Boiler Attendant is used throughout the manual but it not clear who the Boiler Attendant/Operator is because the two titles appear to be used interchangeably. Brian Morelock pointed out that page seven (7) shows a list of six (6) individuals who is designated as Boiler Attendants but in Appendix G-1 only the Security Guard is designated as a Boiler Attendant. Mr. Morelock said the manual, job titles and job descriptions should make it a clear distinction of who is the operator and who is the attendant.
- Mr. Hudgins and Mr. Benson pointed out that as mentioned in the variance cover letter, the hospital is in the process of filling personnel positions and obtaining names, telephone and fax numbers which will be added to the manual and the emergency call list.
- Dave Baughman asked the representatives who performs the training and what that training entails. They said they utilize Boiler Supply Company to do onsite training; they also have a DVD for trainees to watch. Other training will

be performed by boiler techs brought in from other hospitals. In total there will be sixteen (16) hours of training.

- Dr. Canonico asked the difference between a boiler attendant and a boiler technician. The representative replied the boiler attendant knows the alarms, can acknowledge when the boiler is not operating correctly and can shut the boiler down. A boiler technician is someone more qualified who can restart the boiler. Eugene Robinson said when they make the changes to the manual they clearly define the boiler attendant, technician and operator positions.
- Neil Jackson, Quality Review Team Leader, said not all fault messages will shut the boiler down. Training should be provided on the automated system identifying what the alarm is and what action is required.
- Dave Baughman asked the following questions:
 - What their deaerator (DA) is rated at; the representative replied that it is rated for both boilers.
 - What PSI is it rated at; the representative replied that they couldn't say off the top of their head.
 - If the DA is monitored; the representative replied: "no".

His point is that DA's can cause a massive amount of death, injury or destruction. In his opinion, the DA should be monitored and have that as part of the training.

- Brian Morelock asked the Tennessee Numbers be listed in Appendix A.
- Eugene Robinson asked that an additional block be added to Appendix F, Boiler Monitor Log, indicating a positive test for low water cut off.
- Eugene Robinson said the cover letter and page one (1) lists the address as 8045 Roane Medical Center Drive but the cover and front page of the manual lists it as 8054 Roane Medical Center Drive. The representative confirmed that it should be 8045 and that the manual cover and contents would be corrected accordingly.
- Eugene Robinson asked the approximate distance from the boiler to the remote monitoring station, it isn't shown on the site plan. The representative said they would add that to the drawing in the manual, it is less than 500 feet.

Chairman Lunn stated the motion as one to approve the variance contingent upon the manual changes discussed being made and upon a satisfactory physical inspection of the boiler system by a Deputy Inspector. The vote was taken and carried with Dr. Canonico and Dave Baughman voting "no" and Chairman Lunn abstaining.

12-20 - (1401) - George R. Cooper, III, Principal, Development Concepts, Knoxville, Tennessee to address the Board regarding licensing of boiler operators in the State of Tennessee. Floyd Yates and George Cooper presented this item to the Board.

- George Cooper read his recommendation letter to the Board.
- Dr. Canonico asked if Mr. Cooper had any numbers to back up his statement in the first paragraph of his letter outlining the benefits of licensure which states: *"likely reduction in the number and severity of boiler-related incidents..."*. Mr. Cooper said he only had antidotal evidence for the State of Tennessee from his own personal work experience. Chief Bryan said in the past five years (5) there have been only two (2) boiler operator related accidents but there have been boiler meltdowns and less significant incidents.
- Dr. Canonico asked for more information about the Development Concepts Company. Mr. Cooper said they are consultants located in Knoxville, Tennessee and have been incorporated in the State of Tennessee for about fifteen (15) years. Mr. Cooper heads the technical workforce development area with clients from all across the United States. He develops and uses assessments used for hiring and selecting employees for positions that have specialized knowledge. Because of the nature of the work he is involved in, he has become very familiar with the need for skilled employees and the lack of qualified candidates such as skilled boiler operators. The Navy has retired its boiler operator classification so there has been a decline in the pool of candidates. The company provides training opportunities for people seeking to fill skilled jobs.
- Dave Baughman confirmed that Mr. Cooper is requesting the Board to seek, through the promulgation of rules, the requirement that boiler operators be certified instead of having someone simply qualified in the eyes of the owner in the operation of the boiler.
- Brian Morelock asked what the certification process would look like to Development Concepts. Mr. Cooper said it would depend on the level of knowledge and skills the Board required. Some sort of written examination and hands-on training if the Board required proof they can demonstrate proficiency. It is his hope that there would be periodic recertification or retesting procedure put in place to keep the operator from losing those skills.
- Dave Baughman asked if there would be different levels of boiler operators. Mr. Cooper said from his own experience, he thinks that would be beneficial.
- Dave Baughman said different states have things in place, Texas and Arkansas, have level one (1), two (2) and three (3). There is a lot of information out there that could be analyzed to see if it is applicable or not.
- Dave Baughman asked Mr. Cooper's opinion about boiler installers. Mr. Cooper said that the greater the skill level of those who install and repair, the better the job you are going to get, the safer the operation and the less money involved. Dave Baughman commented that a permit is completed for installation but the installer needs only to be familiar with the installation and that doesn't always happen in the field.
- Chairman Lunn asked the negatives of licensure. Mr. Cooper said there would be the cost for individuals and owners to have operators apply to become a licensed operator. From the State's standpoint, someone has to keep track of who is licensed and who is not, so there would be costs

associated with that. Hopefully, the cost to the State could be offset by the amount of money charged for a license.

- Chairman Lunn asked how Development Concepts fit into this process. Mr. Cooper said that remains to be seen. A good bit of their business is workforce development and developing technical assessment that meet EEOC guidelines for fairness, etc. Once of the first assessments he ever did was for a steel mill for boiler operators. If the State of Tennessee requires licensure of boiler operators, his company will probably apply to become one of those that provide training, testing and licensure.
- Brian Morelock said typically this type of request is handled through legislation. He suggested Mr. Cooper write up the proposal to change the law and submit it to the State government himself. Mr. Cooper said the legislature would be more receptive if the proposed change was asked for by the Board.
- Chairman Lunn said perhaps he should discuss this with the Department of Labor & Workforce Development instead of the Board. Mr. Cooper said he had positive feedback from his preliminary discussion with the Tennessee Board of Regents concerning offering this type education. He thinks training would be through the State Board of Education and the Tennessee Board of Regents from high school and two-year colleges. At this time, he has not submitted his curriculum for their approval.
- Neil Jackson asked if some individuals would be grandfathered in this program. Mr. Cooper said that would be one of the details that would have to be hammered out should this come about. Certification is different from licensure; his opinion is that licensure should be statewide.

This was a discussion item and no action was required.

12-21 – (1858) – Valero Refining Company-Tennessee, L.L.C., Memphis, Tennessee, will give a report of their annual Risk Based Inspection (RBI) program. Chris Soper presented the item to the Board.

- Seven (7) process units taken out of service for routine maintenance and inspection during 2012.
- Two-hundred sixty-nine (269) internal inspections performed.
- Ninety-eight (98) external inspections.
- Twenty (20) Corrosion Under Insulation (CUI) inspections.
- Five-hundred forty (540) jurisdictional inspections for certificate renewals.
- Eight-hundred fifty-two (852) total pieces of equipment.

This was a report, no action was required.

IX. RULE CASES & INTERPRETATIONS – (1993) - There were no rule cases and interpretations.

- X. (1195) – **THE NEXT BOARD OF BOILER RULES MEETING** is scheduled for 9:00 a.m. (CT), Wednesday, March 6, 2013 at the Department of Labor & Workforce Development office building located at 220 French Landing Drive, Nashville, TN.
- XI. **ADJOURNMENT** – (2009) - Brian Morelock made a motion to adjourn. Eugene Robinson seconded the motion. The meeting was adjourned.

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