

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING**

**DIVISION OF PROFESSIONAL REGULATION**

**Code Commission for Occupational Safety and Health**

**1511 Pontiac Avenue, Bldg 70, Second Floor Conference Room**

**Cranston, RI 02920**

**Tuesday, October 11, 2011**

**1:00pm**

**In attendance: Robin Coia, George Nee, Richard Simms and Gary Wheaton**

**Also in attendance: Vivian Alves, Occupational Safety; Benjamin Anthony, Chief Boiler Inspector; Ronald D'Ambruoso, Acting Assistant Director; Benjamin Copple, Legal Counsel; and Sean Fontes, Executive Legal Counsel**

**1.) Call to Order:**

**The meeting began at 1:05pm.**

**Sean Fontes, Executive Legal Counsel, addressed the Board. The purpose of today's meeting is for the department to propose changes to the Boiler regulations. Mr. Fontes distributed copies of the proposed changes to the regulations as well as copies of RIGL 28-25-18. Mr. Fontes reviewed the general principals regarding the**

**way the Board operates pursuant to State law that governs all Boards.**

**2.) Consideration of a proposed amendment to the Rules and Regulations for Boiler and Pressure Vessel Inspections to define certain terms relating to places of public assembly pursuant to RIGL 28-25-18:**

**Sean Fontes addressed the Board. The process for amending a regulation for this Board is governed by State law, specifically RIGL 28-20. Mr. Fontes explained the process if changes are formally adopted by the Board. Benjamin Copple addressed the Board regarding the departments proposed changes to the Boiler Rules and Regulations; what the changes are, the basis for those changes and why the department has decided to propose the changes to the Board. The provision that is being looked at is RIGL 28-25-18 (13):**

**Approved pressure vessels (hot water heaters listed by a nationally recognized testing agency), with approved safety devices including pressure temperature relief valve, with a nominal water containing capacity of one hundred twenty (120) gallons or less having a heat input of two hundred thousand (200,000) B.T.U. per hour or less, used solely for hot water supply at pressure of one hundred sixty (160) pounds per square inch or less, and at temperatures of two hundred ten degrees (210°) Fahrenheit or less; provided, that such pressure vessels are not installed in places of public assembly such as schools, child care centers, public and private hospitals, nursing and boarding homes, churches, public buildings, or any similar place of**

**public assembly.**

**Mr. Copple presents an overview of boiler inspections, past legislation attempts and what brings the Board here today. The department is attempting to define “places of public assembly” in a responsible way. The language in the statute is common in other states, the difference being the phrase “or any similar place of public assembly”. Mr. Copple provided the Board with the department’s proposed change to the regulation to define the terms “schools”, “child care centers”, “public and private hospitals”, “nursing homes”, “boarding homes”, “churches”, “public buildings” and “similar places of public assembly”. There is a discussion.**

**Sean Fontes interjects into the discussion to ask the chairman to recognize a quorum and was that quorum in the existence at the beginning of the meeting. Richard Simms confirms there is a quorum.**

**The discussion continues. It is noted that defining the terms in the regulation will clarify what is in the law. The language in the statute is not changed but adding definition to the rules and regulations that flow from that statute that are not in the statute. The department will focus the inspections on the places as defined by the proposed definitions. Initial inspections will still be done either by the state or city and town in accordance with the law. Discussion continues.**

**George Nee made a motion to adopt the recommended changes amendments to the definitions in RIGL 25-28-18; seconded by Robin Coia and passed unanimously by the Board.**

**3.) Consideration of numerous proposed amendments to the Rhode Island Elevator Code:**

**The department is still in the process of preparing the amendments.**

**George Nee made a motion to table the item related to the Elevator issue to the next meeting; seconded by Gary Wheaton and passed unanimously by the Board.**

**4.) Adjournment:**

**Robin Coia made a motion to adjourn all were in favor. The meeting adjourned at 1:59pm.**