

I represent the Air Conditioning Association of New England which proposes to amend the state building code appearing at 780 C.M.R. §110.R5 to add the specialty designation of CSL HVAC license. The provisions at 110.R5 contain the licensing requirements and obligations for construction supervisor's licenses and the related specialty licenses. ACA NE proposes to amend these provisions to create a CSL HVAC license, subject to all of the obligations currently imposed on other construction supervisors.

We have submitted the Amendment Proposal form with its attached Exhibit B; and the proposed amendments to the regulations, as shown in red where applicable for 780 C.M.R. §110.R5.1 and §110.R5.2.1.

ACA NE is making this proposal to achieve several benefits for its members, building inspectors, and for the public. This amendment will simplify the application process, and it will benefit customer service and safety.

Creating this license will bring certification, testing and continuing education requirements for licensed professionals responsible for performing this important work, including Energy Code compliance, under the auspices of the BBRs, which adopts and administers the Code.

First, its members anticipate that this amendment will achieve the goal of simplifying and unifying the permitting process to perform HVAC work. Creating more uniformity will benefit HVAC contractors and building inspectors alike. Not long after I got involved with the organization as its outside legal counsel, I heard anecdotal stories of how different cities and towns' building departments treated HVAC work differently in terms of the application forms necessary to perform work such as installing a boiler or air conditioning system in a home. Those anecdotes became more common and more recently, I have seen first-hand the issues generated from a lack of a centralized HVAC application.

For example, some towns have their own mechanical permit applications for HVAC type of work.

One town requires HVAC contractors to use its own permit application for both mechanical and sheet metal.

One town used to require a mechanical permit but now requires a sheet metal permit.

Another town changed from a sheet metal permit application to a building permit application.

Some require Manual S reports and other require Manual S and J reports and other documents.

These discrepancies benefit no one. A uniform application can be prepared with input from the affected parties including the building inspectors and HVAC contractors and distributed to the inspectors with assistance from the Board.

These different applications create confusion whenever problems develop with permit application approval – where does one go for relief? To the sheet metal board? They have a shorter appeal period and past experience indicates that they do not consider these. Is it this Board if it is a building permit application? I know it depends on why the permit application was denied, but this is not clear to the parties.

We think the amendment also makes sense because the problems at the local building department level typically concern application of the building code and the energy code and the Manual S and Manual J reports. Because those requirements are found in the building code, appeals are appropriate to the Building Code Appeals Board under c. 143.

It therefore makes sense to have this board regulate the HVAC contractors.

Last and not least, it will only improve services and public safety by imposing an experience and testing requirement on businesses, which to date, need not obtain licenses for this specific type of work.

Because of these reasons in favor of the proposal, ACA NE requests that the Board enact the proposed change.

I will walk you through the proposed change. We amend the CSL table to add the CSL/HVAC designation. It applies to one and two family residences with systems under ten tons. This work is not licensed under any other licensing statute or regulatory scheme.

We amended the regulations by deleting the one exception for HVAC work which will now be licensed.

We propose a grandfather provision in 110.R5.2.1 to allow potential licensees to avoid a test if the applicant has five years' experience. This seems appropriate because I found similar provisions for another specialty license designation.

The remaining obligations and responsibilities, such as continuing education, disciplinary processes, and others apply equally to the licensees under the regulation.

I welcome any questions for me or the other members of the Board.