



April 11, 2023

David Riquinha, Chairman
Massachusetts Board of Building Regulations and Standards
1000 Washington Street, Suite 710
Boston, MA 02118

Dear Chairman Riquinha,

We are writing on behalf of the Building Officials in the Commonwealth of Massachusetts and the Air Conditioning Association of New England (ACA/NE).

We respectfully ask the Board of Building Regulations and Standards (BBRS) to review and pass the attached code change proposal (780 C.M.R. § 11 0.R55) to create an HVAC Construction Supervisors License (CSL).

The proposal has been pending for some time. While we have updated one portion that addresses waivers for existing HVAC technicians, we believe it is in the best interest of the state's building inspectors and the HVAC industry for the BBRS Board to approve the proposal.

The basis of the proposal is to simplify the application licensing process for single and two-family residential HVAC work. This license will bring certification, testing, and continuing education requirements for licensed professionals responsible for performing residential HVAC work, including Energy Code compliance, under the auspices of the BBRS, which adopts and administers the Building Code.

Approval of the HVAC CSL will also make HVAC contractors accountable for their work, enhance the professionalism of the trade and ensure that the consumer is protected.

Creating more uniformity will benefit HVAC contractors and building inspectors alike. Today, there needs to be more consistency in how building departments permit HVAC installation in terms of the application forms necessary to perform work, such as installing a boiler or air conditioning system in a home. 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 BBRS.

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

While the current state statute is somewhat confusing, it already requires that HVAC contractors obtain a Construction Supervisors License.

However, this requirement must be clarified because HVAC contractors have to take a test related to the entire construction process. A specialty CSL similar to others the BBRS has approved for several other trades (listed below) is a better solution.

We request that the BBRS add this proposal for review to the agenda for their next meeting.

Sincerely,

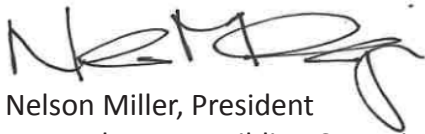


Kathleen Nugent – President
Massachusetts Federation of Building Officials
(MFBO)

Robert S. Beraer

Digitally signed by: Robert S. Berger

Robert Berger, President (Need to Ask)
MetroWest Building Officials Association
Website (MWBOA)



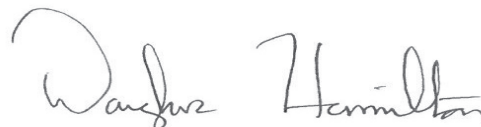
Nelson Miller, President
Massachusetts Building Commissioners
& Inspectors Association (MBCIA)



Patrick Franey, President
Southeastern Massachusetts Building Officials
(SEMBOA)



David Gardner, President (Need to Ask)
Building Officials of Western Massachusetts
(BOWM)



Douglas Hamilton, President
Air Conditioning Association of New England
(ACA/NE)

The BBRS has passed specialty construction supervisors' licenses for several different types of construction jobs for the following trades.

- Masonry
- Roof Covering
- Windows Doors Sliding
- Solid Fuel-Burning Appliance
- Demolition
- Insulation



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 an 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.

ACA/NE and its members anticipate that the new HVAC CSL will result in a simplified and uniform HVAC permit. Moreover, the new license would be subject to all the obligations imposed on other construction supervisors.

It also 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 the Safety and Health of the people and building.

Background and Rationale for the Proposed Amendment

The HVAC CSL would benefit ACA/NE members and the public with several benefits. 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 on 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 inspect 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 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 an HVAC CSL.

To ensure that the HVAC CSL meets professional and established standards and protocols, HVAC contractors must follow the exact continuing education requirements as other specialty licenses as required in [110.RS: Licensing Of Construction Supervisors](#).

The BBRS would approve the certification, testing, continuing education, and licensing guidelines for the new HVAC CSL. However, development work would be minimal because the standards already exist.

HVAC CSL holders would be required to complete the appropriate number of continuing education over a specified period and cover industry topics.

As ACA/NE and Building Officials throughout the Commonwealth have worked together to develop the HVAC CSL proposal, they have already created a curriculum outline and reached out to educational institutions like [The Gould Construction Institute](#) to ensure that training and testing will be readily available.

Current MA Base International Residential Code (IRC)

Chapter 1 – Scope & Administration (All)

Chapter 3 – Building Planning
R303 – Light, Ventilation & Heating

Part V – Mechanical

Chapter 13 – General Mechanical System Requirements (All)

Chapter 14 – Heating and Cooling Equipment and Appliances

Chapter 15 – Exhaust Systems

M1501, M1504, M1505

Chapter 16 – Duct Systems (All)

Chapter 17 – Combustion Air (All)

Chapter 18 – Chimneys & Vents (All)

Chapter 20 – Boilers and Water Heaters

Chapter 21 – Hydronic Piping

Chapter 22 – Special Piping and Storage Systems (all)

P2601, P2603, P2606-P2609

P2901 – P2902

Current MA Base International Mechanical Code (IMC)

Chapter 1 – Scope and Administration (All)

Chapter 3 – General Regulation (All)

Chapter 4 – Ventilation (All, Except 404, 407)

Chapter 5 – Exhaust Systems

501-503, 505, 514

Chapter 6 – Duct Systems (All)

Chapter 7 – Combustion Air (All)

Chapter 8 – Chimneys and Vents (All)

Chapter 9 – Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment

901, 905, 909-912, 918-921, 927

Chapter 10 – Boilers, Water Heaters and Pressure Vessels (All)

Chapter 11 – Refrigeration (All)

Chapter 12 – Hydronic Piping (All)

Chapter 13 – Fuel Oil Piping and Storage (All)

Current MA Base International Energy Conservation Code (IECC) & 2021 IECC for Stretch Code

Chapter R1 – Scope and Administration (All)

Chapter R3 – General Requirements

R301, R302, R303.1, R303.1.2, R303.2, R303.3

Chapter 4 – Residential Energy Efficiency

R401, R401.2.1, R401.2.2, R401.2.3, R402.4.4, R403 All & R403.7 References Manual J & S, R408

Chapter 5 – Existing Buildings (All)

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 (date TBD), provided acceptable evidence is provided to the BBRS in the form of a letter attested to by the candidate indicating that they possess 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 equipment manufacturers, wholesalers and distributors of equipment, vocational and technical schools, and others interested in the HVAC/R industry.

Contact

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WWW.KSLEGAL.COM

Please reply to our MetroWest Office.

David R. Kerrigan, Esq.
drkerrigan@kslegal.com

December 5, 2019

**VIA FIRST CLASS MAIL
AND EMAL**

Board of Building Regulations and Standards
Attention: Cesar Lastra
One Ashburton Place
Room 1301
Boston, MA 02108
Cesar.Lastra@state.ma.us

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

Dear Members of the Board of Building Regulations and Standards:

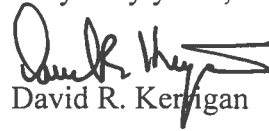
I represent the Air Conditioning Association of New England (“ACA/NE”) which proposes to amend the state building code appearing at 780 C.M.R. §110.R5. Those provisions contain the licensing requirements and obligations for construction supervisor’s licenses and the related specialty licenses. ACA NE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

I have submitted, on its behalf, 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 and for the public. First, its members anticipate that this amendment will achieve the goal of simplifying and unifying the permitting process to perform HVAC work. In addition, creating this license will serve to 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. This licensing process 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 BBRBS, which adopts and administers the Code.

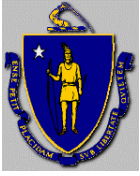
Because of these reasons in favor of the proposal, ACA NE requests that the Board enact the proposed change.

Very truly yours,



David R. Kerigan

DRK/cpk
Enclosures



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 checked="" type="checkbox"/> Ninth Edition One- and Two-Family Dwellings	<i>State Use Only</i>	
Date:	October 15, 2019	Date Received:	
Code Section:	780 C.M.R.	Code Change Number::	
Name and company affiliation if any: Air Conditioning Association of New England			
Address: 11 Robert Toner Boulevard, #234 North Attleboro, MA 02763		Telephone: Email:	

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 small cost to the companies who decide to have workers obtain an HVAC.

Life Safety Benefits:

Exhibit B

Background and Rationale for the Proposed Amendment.

ACA NE submits this proposed amendment to create a new category of Construction Supervisor's license for HVAC work. This amendment is designed to improve the quality of services HVAC contractors provide to residential customers, while hopefully 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 result in a simplified HVAC permit for cities and towns to develop and issue for this work. In addition, making these services subject to the work experience, testing, and oversight obligations imposed by the BBRS will only serve to improve the quality of services being offered to the public.

Pros of the Proposed Change

Improved service and anticipated 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, this amendment will only serve to improve the quality of HVAC services offered to 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.

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 80 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 with 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 may elect to and if requested, shall receive a license in this category without being required to examine. This exception shall apply until **December 31, 2024**, provided acceptable evidence is provided to the Board in the form of a letter attestation by the candidate indicating that he/she possesses this minimum qualification and identifying specific projects, noting the owner and address spanning a period of at least five years in which the candidate was involved.