Due to the limited items on the agenda, the study session and Board of Boiler Rules meeting were combined into a one day split session.

The Board of Boiler Rules Study Session was held on May 22, 2013 from 10 a.m. to 11:21 a.m.

The Board of Boiler Rules meeting was called to order by the Chair on May 22, 2013, at 11:44 a.m. Introductions were made by the board members and guests attending the meeting.

**Agenda Item 1.**
The meeting agenda was reviewed and approved as written.

**Agenda Item 2.**
The minutes from the February 13, 2013, meeting were reviewed and approved as written. The following comments were made regarding items on the February 13, 2013 minutes:
At the February 13, 2013 board meeting the department discussed proposed WAC revisions regarding adding a definition of “Jacketed Steam Kettles” and the possible adoption of NBIC Part 1, Installation Requirements. These two WAC revisions were not included on the agenda for this meeting because the department will be conducting more research and input from stakeholders statewide to present a valid case for these two WAC revisions at the September boiler board meeting.

There were some comments on the adoption of NBIC, Part I by the Steve Bacon of Phillips 66.

**NBIC** – Steve Bacon addressed the history of NBIC and why it was split into three parts. Steve felt that adopting NBIC Part I would be a major problem for the Owner/User groups because of the conflicts with the other engineering standards that the Owner/Users adhere to. He requested that the Owner/User groups be exempt from the requirements of NBIC, Part I, if adopted by the
jurisdiction. This will be addressed in future discussions. Tony Oda said that the rationale for pursuing NBIC Part I is for public safety. This change will give the state inspectors the ability and authority to identify and to write NCR reports on serious safety hazards they find on installation violations. A byproduct of adoption of NBIC Part I would be the state inspectors would conduct all first inspections, to insure uniformity. The department is still doing research on the feasibility and obstacles of adopting NBIC Part I.

Other comments on the NBIC in general; Rob was not comfortable automatically adopting the latest version of the NBIC, he feels the board should have time to review the new edition before it is adopted. Tony pointed out that the new edition is out 6 months before it becomes mandatory so if the board has any concerns they can address it at the time a new edition is issued, with enough time to act if necessary. Tim Barker mentioned that the NBIC 2004/2006 Part C still has all the locomotives requirements in one place. Steve Bacon said the state law didn’t address the 2011 Edition of the NBIC; this was due to the moratorium, which prevented the board from updating to the 2011 Edition. The NBIC edition adopted by the board will be the 2013 Edition. Tony Oda will submit a change to update WAC 502, to address the current edition of the NBIC. Tony mentioned that ASME Section I, 2013 Edition has come out with a new section; section “PH”, for historical boilers. Tim Barker said ASME and NB sections regarding historical locomotives do not see eye to eye. Tony Oda will look at it and do some comparisons. Also, guidelines for riveted boiler construction are coming back in the new ASME section “PH”.

Rob Olson brought up ASME Section IV committee meetings this year talked about revisions to ASME Section VI, Care of Heating Boilers. Tony Oda stated that ASME Section VI and VII are recommended guidelines, not mandatory code, but they are great resources for any inspector or owner/operator group.

Boise Paper, extension from 18 months to 24 months on their internal inspection on their hog fuel boiler – Haven’t heard anything. Tim Barker will give them a reminder.

Eastern Washington Agricultural Museum – Haven’t heard anything. Possibly have no funds to pay for P.E. evaluation and required NDE services needed.

Agenda Item 3.
Interpretation and Revision Request – Chris Jackson, Nautilus Loss Control, LLC
Chris Jackson, Nautilus Loss Control, LLC an independent loss prevention consultant, who specializes in black liquor boilers with a niche in the pulp/paper industry, is seeking clarification under WAC 296-104-035 for a potential Conflict of Interest for Commissioned Inspectors. Chris is also an inservice inspector for OneCIS in Washington.

Rob Olson asked if the board has authorization to rewrite WAC 296-104-035. Responsibility of the board is public safety and this would fall under as a public policy issue. The board has the authority under RCW 70.79.030 and 040. Conflict of interest is clear as WAC 296-104-035 is now written.
Pam Reuland with the AG’s office agreed that the board has the authority to modify this rule. Pam also stated that the state of Washington has very stringent ethic policies for state employees and these policies also extend to any state of Washington commissioned inspector, (special inspectors) because they represent the jurisdiction when they are conducting jurisdictional inspections.

Rob stated it is the intent of WAC 296-104-035 to prohibit using the inspector’s position for any type of personal gain. With or without personal gain, it is still the intent of this WAC that is in violation. Rob noted that with the present constraints the board is held to, a rewrite of this WAC will be difficult.

Mr. Jackson was concerned as to why there is a perception and how it differs from practices today. He pointed out examples that go on with HSB and FM Global; their inspectors do both inservice inspections and consultation work at their larger accounts. The board pointed out that the big difference was that they work for one employer and are not compensated additionally for the consultation work. Tony Oda will write a letter to Mr. Jackson, formalizing the department’s position on this. Mr. Jackson withdrew his request to revise WAC 296-104-035. The department will put things in the right order in accordance with the newly written WAC 296-104-018 and the board encouraged Mr. Jackson to review the WAC June 1st.

Agenda Item 4.
Department Notes:

Board to Review State Exam Questions
The department is requesting the board review the existing state exam questions as 21 WAC’s were revised since the moratorium has been lifted. These revisions require the exam questions to be reviewed and corrected as necessary. Due to a conflict of interest, Tim Barker and Terry Chapin will not be reviewing the questions. Tim withdrew because he has inspectors frequently taking the exam, and Terry explained he is contemplating taking the exam in the future. The existing 125 questions will be split between Rob, Leslie and Larry for review and revision. Hopefully, this work will be completed before the September board meeting.

Review of Public Hearing Transcript, March 27, 2013
Transcript of all the 21 WAC revisions was provided for review. Rules that were reviewed at the last public hearing, March 27, 2013, will be published, June 1st.

Meeting adjourned at 12:00 p.m.