



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

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| Agency Name: | Department of Labor and Industry |
| VAC Chapter Number: | 16 VAC 25-50 |
| Regulation Title: | Boiler and Pressure Vessel Rules and Regulations |
| Action Title: | Amendments to Current Regulation |
| Date: | December 18, 2002 |

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The proposed amendments eliminate possible conflicts with a recently enacted statute (§40.1-51.19) governing hobby boilers; allow certificate fees to be paid by credit card; adopt current, applicable parts of CSD-1-1998, the current national standard that requires two low-water fuel cutoffs on low-pressure boilers; and update references to prevailing National Fire Protection Association (NFPA), American Society of Mechanical Engineers (ASME) and National Board Codes. Part CG (General) of ASME CSD-1 was added to two sections of the proposed action as a result of public comment.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On December 2, 2002, the Virginia Safety and Health Codes Board adopted the proposed final amendments to the Boiler and Pressure Vessel Rules and Regulations.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

The regulation is mandated by Sections 40.1-51.6 through 40.1-51.10 of the Code of Virginia. The scope of the mandate is that “no boiler or pressure vessel which does not conform to the rules and regulations of the (Safety and Health Codes) Board governing new construction and installation and which has been certified by the Board shall be installed or operated in this Commonwealth after twelve months from July 1, 1973.” There is no federal mandate for the regulation. The Office of the Attorney General has reviewed the proposed final amendments and certifies that the Board has the statutory authority to promulgate these amendments.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The proposed amendments are in keeping with the goals of the regulation, which are to: 1) protect the public’s health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth and 2) continue evaluation of the need for changes to ensure current technical standards are met. The amendments regarding hobby boilers, redundant controls and manual resets, and national boiler and pressure vessel safety codes are public and workplace safety measures that bring the regulations up to date with state and national laws, standards and practices. The provision to allow certificate fees to be paid by credit card

will provide an additional option/convenience to owners/users. The purpose of the amendments is to bring regulations into conformity with statutory changes regarding hobby boilers and provide for certificate fees to be paid by credit card. The amendments also adopt national standard provisions for two low-water fuel cutoffs on low-pressure boilers, a safety measure now required on high-pressure boilers, plus manual resets on all boilers. Further, the amendments incorporate references to the latest technological safety advances, such as manual resets, offered by national safety and inspection codes.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

The following amendments are being proposed:

1. Delete subparagraph G (Hobby boiler) in 16 VAC 25-50-20 to eliminate possible conflicts with recently enacted statute (Section 40.1-51.19) governing hobby boilers.
2. Provide for acceptance and processing of credit card payments for certificate fees.
3. Adopt Part CG (General) and Part CW (Steam and Waterside Control) of CSD-1-1998 to replace a reference to CSD-1-1992 in VAC 25-50-340 and 440. This national standard contains provisions for improving the safe operation of steam boilers and pressure vessels by requiring redundant controls with manual resets on new installations.
4. Update references to 2001 editions of the NFPA 85 Boiler and Combustion Systems Hazards Code, ASME Code and National Board Inspection Code to take advantage of the latest technological advances in safety.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

Employees and the general public, where exposed, will benefit from a safer work environment by reduced exposure to unsafe equipment and a reduction in the probability of a boiler explosion. Boiler and pressure vessel owners/users will have the option of paying certificate fees by credit card. The use of credit cards will facilitate electronic reporting and allow the Department to receive payments more quickly. The changes eliminate potential regulatory conflicts with hobby boiler statutes. The requirement of the manual reset (lockout) will draw users' attention to the

fact that the boiler is not functioning in a normal manner. The amendments adopt national standard provisions for two low-water fuel cutoffs on low-pressure boilers, a safety measure now required on high-pressure boilers, plus manual resets on all boilers. Presently, a low water condition is the second-leading cause for boiler accidents throughout the United States. Requiring two controls will result in fewer such accidents. Owners/users will be made aware of technological safety advances contained in prevailing national safety and inspection codes.

There are no disadvantages to the public or the Commonwealth relative to the amendments.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

Two sections were changed for the final proposed regulation to add a reference to Part CG (General) of ASME CSD-1, Controls and Safety Devices for Automatically Fired Boilers.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

The Department of Labor and Industry's Public Participation Guidelines require a 60-day period to receive comments from interested persons on proposed regulations. The comment period was from September 9, 2002 through November 8, 2002. A public hearing was held on September 24, 2002 to receive comments on the regulation. The comments received during the public comment period, and the Department's response, follow:

Commenter #1, Reimers Electra Steam, Inc., Clear Brook, Virginia. The commenter requested that boilers meet specific standards for controls (i.e., UL 834 for electric boilers). Response: We agree. A reference to Part CG was added to VAC 25-50-340 and to the listing of documents incorporated by reference.

Commenter #2, E. McLauchlan & Sons, Inc., Richmond, Virginia. The commenter informed the Board that he was in agreement with the proposed amendments to the regulation. Response: No response required.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

The following amendments are being proposed:

1. Delete subparagraph G (Hobby boiler) in 16 VAC 25-50-20 to eliminate possible conflicts with recently enacted statute (Section 40.1-51.19) governing hobby boilers.
2. Amend subparagraph A, item 1, in 16 VAC 25-50-150 to provide for acceptance and processing of credit card payments for certificate fees. Boiler and pressure vessel owners/users will have an additional option for paying certificate fees, use of credit cards will facilitate electronic reporting, and the Department will receive payments more quickly.
3. Amend 16 VAC 25-50-340 and 16 VAC 2-50-440 to adopt Part CG (General) and Part CW (Steam and Waterside Control) of CSD-1-1998, to replace a reference to CSD-1-1992. This national standard contains provisions for improving the safe operation of steam boilers and pressure vessels by requiring redundant controls with manual resets on new installations. The main change is the requirement for two low-water fuel cutoffs on low pressure boilers, a safety measure now required on high-pressure boilers, plus manual resets on all boilers. Adopting the national standard for two controls will result in fewer boiler accidents.
4. Update “Documents Incorporated by Reference” to include the 1998 edition of CSD-1 flame safeguard provisions only in Part CF, and 2001 editions of the NFPA 85 Boiler and Combustion Systems Hazards Code, ASME Code and the National Board Inspection Code to take advantage of the latest technological advances in safety.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The regulation does not apply to residences. However, it has a very positive influence on family stability and autonomy by protecting the public safety and health in large apartment buildings, the workplace, and other public buildings such as schools and churches where members of a family may congregate.