



Virginia
Regulatory
Town Hall

Proposed Regulation Agency Background Document

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:	April 11, 2002

This information is required pursuant 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*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

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 Part CW provisions for burner controls and safety devices; and update references to prevailing National Fire Protection Association (NFPA), American Society of Mechanical Engineers (ASME) and National Board Codes.

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 must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed 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 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 proposed 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 providing detail of the regulatory action’s changes.

The following amendments are being proposed:

1. Delete subsection G (Hobby boiler) in 16 VAC 25-50-20 to eliminate possible conflicts with recently enacted statute (Section 40.1-51.19 of the Code of Virginia) governing hobby boilers.
2. Provide for acceptance and processing of credit card payments for certificate fees.
3. Adopt 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 proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary 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.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's

best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

The fiscal impact on the Department is minimal. Most of the amendments have no cost impact on the public, boiler and pressure vessel owners/users, employers or employees. The amendment to adopt the national standard for two controls with manual resets will cost private and public (locality) equipment owners/users an average of \$800 per installation, for materials and labor. The \$800 cost is already built into the price of most new boilers.

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 cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

The following amendments are being proposed:

1. Delete subsection 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 subdivision A-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 25-50-440 and add 16 VAC 25-50-445 to adopt 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 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.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

Because the regulation is mandated by the Code of Virginia, no viable alternatives exist.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

No comments were received during the NOIRA comment period from 10/22/01 through 11/21/01.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The agency has determined that the regulation with proposed amendments is clearly written and easily understandable.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The Board will review this regulation three years from the effective date of these amendments.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential 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 or churches where members of a family may congregate.