

CCLD REVIEW

CONSTRUCTION CODES AND LICENSING DIVISION
MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY

SPRING 2013

2013 Minnesota Building Code adoption taking shape

DLI continues its process to adopt amended editions of the 2012 International Code Council's model codes and standards. These codes, when adopted, will form the 2013 Minnesota Building Code.

The Minnesota Building Code consists of 25 sets of rules. The current group, about half of the total, is made up of the major codes and standards that need to be coordinated and adopted at the same time to avoid conflicts. These include:

- commercial building
- residential building
- fire
- mechanical and fuel gas
- commercial energy
- residential energy
- radon
- existing building
- elevator
- accessibility
- administrative provisions

Recommendations and review

CCLD has received the recommendations of the [technical advisory committees](#) and is refining the statements of need and reasonableness (SONARs), the rule language and format. This phase includes internal legal reviews, initial review by the Revisor's Office and the Governor's Office.

The next step is to issue the Notice of Intent to Adopt Rules with a 30-day comment period, which begins the formal Administrative Procedures Act process that must be followed to adopt rules.

The tentative code adoption planning schedule will be updated at www.dli.mn.gov/RulemakingCCL.asp.

Continuing education

Limited seats remain for CCLD's Spring Seminar

Seats are filling up fast for the Construction Codes and Licensing Division's 2013 Spring Seminar "Residential Plumbing Plan Review and Site Inspections."

Beginning in April, this seminar will be offered at nine locations throughout Minnesota and will cover residential plumbing and plan review procedures from the start of the project to completion.

Course description

The morning portion of the seminar will cover plumbing plan review and include discussion about room size, fixture clearance, sewer service and water service. Site inspection rough plumbing will also be covered and will include discussion about underground

pipng, above ground DWV piping and water piping.

The afternoon portion of the seminar will begin with a discussion of the residential energy code as it applies to residential plumbing. The remainder of the day will include discussion of setting fixtures, installing appliances and final testing. The seminar will conclude with a question-and-answer session.

Continuing education

The course has been approved by DLI

for seven hours continuing education for:

- plumbers
- water conditioning contractors
- building officials
- residential building contractors (including energy) and
- manufactured-home installers.

Cost

The cost of the seminar is \$85 per person and must be paid by credit card. No refunds will be issued. Space is limited at each location.

For more information including dates, locations and to register visit www.dli.mn.gov/ccl/education.asp

A Minnesota 'green' building code

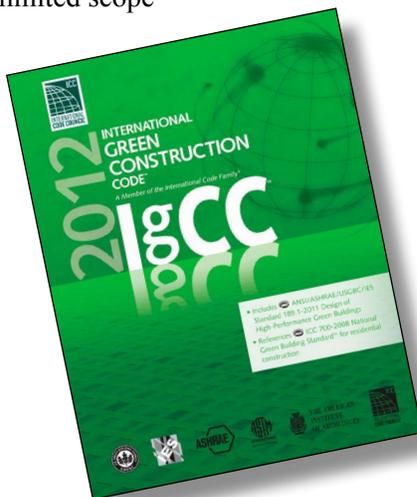
Work has been underway since November 2012 exploring interest in adoption of a "green" construction code for Minnesota.

An informational meeting was conducted Nov. 28, 2012, at DLI where representatives from the construction industry, municipal government and owners met together to discuss the benefits and concerns about how a green code might be administered. Discussion included:

- cost
- return on investment
- understandable requirements
- clear lines of authority and jurisdiction
- standardization
- education
- limited scope

Research has focused on the 2012 International Green Construction Code, the first edition of the IGCC published by the International Code Council.

Staff members of DLI's Construction Codes and Licensing Division are reviewing the IGCC to identify land-use (zoning) type provisions over which the Minnesota State Building Code does not have authority; to what extent the energy-conserving measures equate to what may be proposed in the 2012 Minnesota Energy Code, and what is new green building code language. This evaluation process should be complete by May, 2013. DLI will then assemble a stakeholder work group to review the division's efforts and recommend how to proceed with development of a Minnesota Green Code.



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Receive email notification when an issue is available by [subscribing online](#).

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Licensing information

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Business/Contractor Licenses and Bonds:

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Personal Licenses and Certificates:

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Contractor registration program

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Permits

Minimum \$5 'fixed fee' permit surcharge will continue into 2015

Just a reminder that the \$5 minimum surcharge on "fixed fee" permits continues until June 30, 2015.

Without future law changes, the minimum surcharge on those permits will reduce to \$1 after that

date.

For more information, including the Minnesota Building Permit Surcharge Report Manual that includes the text of the revised law, visit www.dli.mn.gov/CCLD/surcharge.asp.

Reduced pressure backflow prevention

RPZ testing and rebuilding cert., licensing requirements

Individuals testing, maintaining, repairing or rebuilding reduced pressure zone backflow (RPZ) prevention assemblies must be certified in addition to being licensed or registered by DLI.

To qualify for certification, individuals must have completed a department approved course **prior** to Feb. 25, 2013. Or, beginning Feb. 25, 2013, must have completed courses approved by the American Society of Sanitary Engineering (ASSE). Information regarding ASSE approved courses is at

www.asse-plumbing.org.

Individuals who maintain, repair or rebuild RPZ assemblies must hold a RPZ rebuilding certificate issued by DLI and be licensed as a journeyman or master plumber. Individuals who test RPZ assemblies must hold a RPZ rebuilding or testing certificate issued by DLI but are not required to be licensed or registered with the department.

Minnesota Statutes Section 326B.437

provides requirements for RPZ testers and rebuilders and can be accessed at <https://www.revisor.mn.gov/statutes/?id=326B.437>.

RPZ tester and rebuilder certification rules adopted by the Plumbing Board effective Feb. 25, 2013, can be accessed at www.dli.mn.gov/PDF/docket/4716_RPZ_AR4082.pdf.

Questions? Send an email message to DLI.license@state.mn.us or call (651) 284-5031.

Locate inspectors quickly

Find code requirements in one place

DLI has built a one-stop “Local Code Lookup” – online at <http://workplace.doli.state.mn.us/jurisdiction> – to help contractors and homeowners find local code requirements and code inspectors in one place.

The online search tool helps users find which code authority has local jurisdiction for permits, plan review and inspection in the areas of boilers, building codes, electrical, elevators, high-pressure piping, plumbing or other Minnesota construction codes and licensing disciplines.



DLI's **Local Code Lookup** helps homeowners and contractors find local code requirements and inspectors in one place.

Fall protection

News from Minn. OSHA Workplace Safety Consultation

Fact sheet shares fall-protection methods for residential construction applications

Now that **fall protection standards** have been applied to residential construction projects in Minnesota, contractors are required to determine methods to ensure appropriate fall-protection is maintained during all phases of a project.

To assist contractors, federal OSHA has posted fact sheets online that highlight various methods to reduce falls during residential construction projects. The fact sheets offer both general information and task-specific information.

➤ View the fact sheets at www.osha.gov/pls/publications/publication.athruz?pType=Industry&pID=402.

Plumbers: New continuing education requirements

New rules are similar to those for electricians, residential contractors

The [State Board of Plumbing](#) has adopted rules requiring that all licensed plumbers take 16 hours of approved continuing education (CE) in each two-year license period to be eligible to renew a license.

All master plumbers and restricted master plumbers must report their first CE at their license renewal in December 2014. Journeyman and restricted journeyman plumbers must report their first CE at their license renewal in December 2015. The new plumbing CE requirements are similar to those electricians and residential building contractors have been required to satisfy for licensure for many years.

At least 12 hours of the required 16 hours of CE must pertain to the State Plumbing Code. At least four hours must pertain to technical topics related to plumbing installations and equipment, the Minnesota State Building Code or the Minnesota statutes governing plumbing work. No more than four hours may be earned online in each license period.

Plumbers who have more than one type of license can apply CE courses to all of their licenses – only the number of hours required for the license with the highest CE requirement must be fulfilled.

Medical gas installer certification holders are required to take four hours of CE in order to renew certification. Approved CE courses taken to fulfill the plumber renewal requirements may also be used to fulfill the medical gas renewal requirement.

All plumbing contractor business licenses expire Dec. 31 of odd-numbered years. Because the first renewal occurs Dec. 31, 2013, no CE will need to be reported with the business license renewals this year. However, in order to renew a plumbing contractor license in December 2015, a company's responsible licensed individual (master plumber) must have earned 16 hours of CE and renewed their personal master license by Dec. 31, 2014.

A listing of [all approved CE courses is available on DLI's web site](#). However, because the requirement to report CE is still more than a year away, there are not currently many plumbing courses available due to the lack of demand. As the 2014 license renewals approach, DLI expects sponsors



New State Board of Plumbing rules require that licensed plumbers must obtain continuing education to renew a license.

to submit courses for approval.

For help with questions about this new education requirement, visit the plumbing CE page of the DLI website at www.dli.mn.gov/CCLD/pe_ce.asp. For additional help, send an e-mail to DLI.license@state.mn.us or call licensing staff members at (651) 284-5031.

More information

View a directory of all approved CE courses at: www.dli.mn.gov/CCLD/CE.asp

Continuing education requirements for plumbers: www.dli.mn.gov/CCLD/pe_ce.asp

Contact DLI for help with questions at: (651) 284-5031 or DLI.license@state.mn.us

Bathtubs subject to new Plumbing Code requirements

Bathtub, whirlpool and pedicure tub installations must meet new requirements of the 2012 Minnesota Plumbing Code as it was amended effective Oct. 31, 2012. The design and installation of bathtubs, whirlpool bathtubs and pedicure tubs must comply with new requirements in [Minnesota Rules, part 4715.1240](#). These requirements were adopted to address recent health, safety and sanitary concerns associated with these fixtures. Some of the requirements that will affect installations include:

Pedicure tubs

Pedicure tubs must comply with general requirements and water retention sections of ASME A112.19.7 or IAPMO IGC 155.

Whirlpool bathtubs

Whirlpool bathtubs with pumps, air circulation or both must comply with ASME A112.19.7. Pipeless whirlpool bathtubs must comply with ASME A112.19.7 or IAPMO IGC 155.

Tubs with pressure-sealed doors

Bathtubs and whirlpool bathtubs with pressure-sealed doors must comply with ASME A112.19.15.

Temperature limiting devices

All bathtubs and whirlpool tubs must also be provided with water temperature limiting devices set at a maximum water temperature of 120 degrees Fahrenheit to reduce the risk of scalding, according to ASSE Standard 1070. A water heater thermostat must not be considered a control for meeting this requirement. Compliance with this requirement may be met

in the following ways:

- A thermostatic mixing valve meeting ASSE Standard 1070 may be used as a point-of-use device for bathtubs or whirlpools or as a central thermostatic mixing valve serving lavatories, bathtubs or whirlpool tubs. The flow rate of the device must be sized to accommodate all uses.
- An individual control valve meeting ASSE Standard 1016 installed on a combination shower/tub valve does not require additional protection.
- When a thermostatic mixing valve meeting ASSE 1017 is installed, an additional ASSE 1070 valve must be installed at the point of use for bathtubs or whirlpool tubs to meet the requirement.
- The installation of a tub filler with two-handle faucets and a hand-held shower spray must be installed with two separate mixing devices. The tub filler must be provided with a device meeting ASSE 1070 and the shower spray must be provided with a device meeting ASSE 1016.

Pedicure tubs do not require a temperature limiting device.

DLI encourages contractors to design and plan projects to avoid purchasing non-complying fixtures, installation problems and corrections during and after construction. More information about the Minnesota Plumbing Code, Chapter 4715, can be found at www.dli.mn.gov/CCLD/PlumbingCode.asp.

Plan review updates

Bunnell added to CCLD's Building Plan Review staff

Long time and highly respected plan reviewer Dave Krings retired in 2012 and has been replaced with Mike Bunnell.

Bunnell is a certified building official and brings with him more than 20 years of code experience in three

municipalities in the Twin Cities area. Prior to that, Bunnell spent 17 years as residential and commercial carpenter. He will be a full-time plan reviewer and teach plan review in the division's limited building official program. He can be contacted at mike.bunnell@state.mn.us.

Flow charts show the way for building, sprinkler plan submissions

A pair of flow charts to assist with the submission of building plans and sprinkler plans have been created and are now available on DLI's website. Both are available for download at www.dli.mn.gov/CCLD/PlanConstruction.asp.

AFCI receptacles have arrived

Options for AFCI type receptacles grow

Requirements for residential arc-fault circuit-interrupters (AFCIs) were first mandated in the 1999 National Electrical Code (NEC) and their application has been expanded in every code cycle since.

Until recently, installers have had to rely on circuit breaker type AFCI devices to address these requirements. While AFCI circuit breakers met the intent of the NEC requirement, there are many installations where receptacle type AFCI devices are not only preferable, yet also more economical.

The actual operation of an AFCI is sometimes misunderstood. Unlike ground-fault circuit-interrupters (GFCIs) that provide fatal electrical shock protection to people by detecting leakage current and quickly disconnecting power, AFCIs protect structures from fires and related hazards by detecting arcing and quickly interrupting the power in the circuit.

There are two types of arc faults that AFCI devices detect: series and parallel. A series arc occurs when a break in a single conductor or termination causes electricity to jump across the gap and creates an arc. Parallel arcs also occur due to a break, yet electrically jump between line, neutral or ground. Technology in the new AFCI receptacles addresses the dangers associated with both series and parallel arcing. Similar to GFCI devices, AFCI receptacles provide feed-through protection and are able to detect downstream arc-faults, both parallel and series, as well as upstream

series arc faults.

In the 2011 NEC, Article 210.12(A) allows the use of AFCI receptacles with certain limitations. The outlet branch-circuit (OBC) AFCI receptacle must be installed as the first receptacle of the branch circuit, and the conductors between the branch circuit overcurrent device and the first outlet must be installed using metal boxes with one of the following wiring methods: rigid metal conduit (RMC), intermediate metal conduit (IMC), electrical metallic tubing (EMT), metal-clad cable (MC) or steel armored cable (AC). In addition, NEC Article 210.12(B) addresses branch circuit wiring that is modified, replaced or extended, stating that the circuit must be protected by either a listed combination-type AFCI located at the origin of the branch circuit, or a listed OBC type AFCI located at the first receptacle outlet of the existing branch circuit.

Effective Jan. 1, 2014, NEC Article 406.4 will require that where a receptacle outlet is supplied by a branch circuit that requires AFCI protection according to 210.12(A), a replacement receptacle at this outlet may be one of the following:

- a listed OBC type AFCI receptacle,
- a receptacle protected by an upstream listed OBC type AFCI receptacle, or
- a receptacle protected by a combination (series/parallel) type AFCI circuit breaker.

Early proposals for the 2014 NEC suggest an expansion of the AFCI



Photo: www.leviton.com

branch circuit protection requirements to include the kitchen and laundry areas of a dwelling. In addition, changes will allow AFCI receptacles to be installed with standard nonmetallic-sheathed (NM) type cable to protect the entire branch circuit in any of the areas specified in Article 210.12 (A) with the following caveats:

- AFCI receptacles must be installed as the first outlet on the branch circuit,
- that first AFCI receptacle must be within 70 feet of the overcurrent protection device for 12 gauge conductors and within 50 feet of the 14 gauge conductors, and
- AFCI receptacles must be listed for compatibility with specific magnetic circuit breakers commonly found on the market today or used downstream from a new type of breaker called a supplemental arc protection (SAP) breaker that enhances the parallel arc protection close to the overcurrent device.

Complying with these new requirements effectively protects the entire branch circuit from series and parallel arcs and helps to mitigate deadly and costly structure fires.

Unlicensed individuals must register with DLI

When performing electrical work, unlicensed individuals must be employed by licensed contractor

In order to perform electrical work, an individual who is not licensed by the Department to perform electrical work must register with the Department.

A registered unlicensed individual may only perform electrical work under the direct supervision of a licensed electrician. Minnesota Statutes Section 326B.33, Subdivision 12(a) requires both the individual providing direct supervision and the unlicensed individual be employed by the same employer. This determination is based on the tax identification numbers of the contractor or employer.

Registered unlicensed individuals that perform electrical work must also be employed by a licensed contractor or registered employer. “Employee” is defined in Minnesota Rules Part 3800.3500, Subpart A as “an individual whose compensation for electrical work is reported by the employer on an Internal Revenue Service W-2 form, and is also otherwise considered an employee under applicable laws.”

Contractors employing unlicensed individuals to perform electrical work

are also required to maintain records demonstrating compliance with the requirements related to employing Registered Unlicensed individuals. DLI may examine these records upon request.

Minnesota Statutes Section 326B.33, subdivision 13 does not allow DLI to recognize any experience gained in Minnesota after Jan. 1, 2009, to qualify an applicant for a licensing examination unless the applicant was either licensed or registered and employed by a licensed contractor or registered employer. View more information, download forms or register online at www.dli.mn.gov/CCLD/LicElectricalPersonal.asp.

Stay safe

Reminder: Call to locate utilities before you dig

Installers and contractors are being reminded that they need to contact Gopher State One Call to find buried utilities before a shovel is put into the ground or an electrical grounding rod or pipe is driven.

Minnesota Statutes 216D was implemented to protect underground utilities and the general public. Contacting Gopher State One Call to mark the utilities is required by law.



The statute states that individuals must wait 48 hours after contacting Gopher State One Call before digging or driving a rod or pipe. Even if it is believed there are no underground utilities near a dig area, a check must be made to ensure the utility company has cleared the site or responded to the request.

Gopher State One Call has an online system to submit dig information at www.gopherstateonecall.org/submit. Additional resources, including smartphone apps and contact details, are available at its website.



This photo illustrates how lucky these electricians were. The image shows where ground rods for electrodes for temporary electrical services were driven and almost pierced 2-inch, 60-psi buried gas lines. The painted lines show the location of the underground utilities, identified after the electrical contractors set the temporary services and drove the rods.



Final electrical inspections are required for projects

Electrical inspecting is interesting and challenging work, and electrical inspectors are very good at what they do. However, gaining access to industrial, commercial, agricultural and residential facilities to make the final electrical inspection can sometimes be the most difficult part of the job.

Proper notification from the contractor to the inspector as to when the job is complete allows the final inspection to be made in a timely manner.

Failing to [notify the electrical inspector](#) when a job is complete delays the final inspection, and:

- may cause inconvenience or even hardship for the contractor's customers,
- may require costly and disruptive corrections be made after the contractor has left the job site, and
- may cause customers to question the contractor's failure to comply with the law and increase liability exposure.

What does the law require?

Minnesota Rules Chapter 3801.3780, Subpart 1 (Final Inspection) states that: "Installers of electrical wiring shall schedule a final inspection or otherwise notify the electrical inspector that the work associated with a specific request for inspection certificate [i.e. permit] is completed prior to the wiring being utilized by the intended user and the associated space being occupied."

Electrical inspectors often use several methods of accepting inspection requests ranging from office phones and cell phones to fax machines, emails, text messaging and web sites – all in an effort to make it convenient for contractors to [notify the inspector](#) of completed jobs. Contractors and inspectors are encouraged to utilize the wide variety of communication tools available today in an effort to expedite timely inspections. [Locate inspectors at DLI's Local Code Lookup.](#)

What's new with registered employers?

Those signed up before Jan. 1, 2012, must re-register with agency

A registered employer, as defined in Minnesota Rule 3800.3550 is "... a person, partnership, corporation, or limited liability company who has one or more employees who perform electrical work on the employer's electrical wiring, apparatus, equipment, or on facilities owned or leased by the employer which are located within the limits of property owned or leased and operated and maintained by the employer."

Within this definition, the employer is not required to be licensed as a contractor, but is obligated to submit to DLI a document identifying the licensed electrician, power-limited technician or electrical engineer responsible for electrical work performed by its employees.

Changes to the registered employer rules were implemented Jan. 1, 2012, when registered employers were incorporated in a new computer licensing software system developed to expedite the management of more than 100,000 construction trade licensees.

Previously registered employers must re-register with the commissioner of DLI to become integrated into the new system. The registrations are valid for two years.

Once an employer is properly registered, the employer is issued a registration number which allows access to the agency's [online permitting portal](#). The new system will also provide automatic notification prior to the expiration of the two-year registration period.

The employer registration packet is available at www.dli.mn.gov/CCLD/LicElectricalEmployer.asp.

For more information send an email message to dli.electricity@state.mn.us.

Minnesota boat inspections commence in April

All boats-for-hire carrying more than six passengers must be inspected by DLI.

The inspection process consists of two inspections: a dry dock inspection and a safety inspection. Safety inspections are required for all boats annually while dry dock inspection schedules are determined by the boat's hull material.

Dry dock inspections

The dry dock inspection is conducted when the boat is out of the water. This inspection checks for hull condition, through-hull connections and the following systems: fuel, electrical, steering and propulsion.

Safety inspections

The safety inspection is conducted while the boat is in the water. This inspection checks lighting, bilge pumps, high-bilge-level alarms, ventilation, flammable gas detection systems, pyrotechnics, anchors, ring buoys, personal flotation devices and fire-fighting equipment.

Schedules

The annual Lake Minnetonka boat owners meeting will be conducted at 9 a.m., April 10 at the Hennepin County Water



Boat inspections will begin soon on Minnesota lakes. Above, a Lake Minnetonka vessel receives an inspection in 2012.

Patrol office in Spring Lake Park. This meeting informs boat owners of any new regulations and allows the owners to meet the inspectors and schedule the dry dock and safety inspections. The dry dock inspections for Mille Lacs Lake will start the week of April 22. Boat owners on other lakes will be contacted to set up inspection dates.

For help with questions, contact the designated inspector ([view the inspector map](#)) or Joel Amato at (651) 284-5137. More information is also at www.dli.mn.gov/CCLD/BoatsInspection.asp.

Enforcement actions

Contractor fined \$23,500, has license revoked

Some recent [CCLD enforcement actions](#) include:

- In January 2013, DLI revoked the license of a residential building contractor from Maple Grove who failed to satisfy or appeal several civil judgments; failed to notify DLI of the judgments; and failed to cooperate with the agency's investigation. The contractor was also ordered to cease and desist from acting as a residential building contractor and fined \$23,500.
- Another residential building contractor's license was revoked in January 2013. The contractor, who is from Coon Rapids, failed to complete work on two projects and billed an insurance company for work that was not performed. This contractor was also ordered to cease and desist from acting as a residential contractor and was fined \$18,000.
- An unlicensed company from Stillwater was fined \$4,500 and ordered to cease and desist from performing electrical, plumbing and residential contractor work.

Summaries of all final CCLD enforcement actions are available at www.dli.mn.gov/CCLD/Enforcement.asp. Questions about specific enforcement actions should be directed to (651) 284-5069 or DLI.contractor@state.mn.us.

Oil boom is a boon for manufactured structures

Minnesota's production and inspection of manufactured structures has increased in recent months, in part due to growing demand from North Dakota's oil boom areas.

Minnesota has 14 manufacturers of Industrialized Building Commission (IBC) units that range from single family dwellings to commercial projects like hotels, man-camp living quarters, generator buildings, cabins and office buildings.

DLI's Manufactured Structures Section is the third party review and inspection agency for those projects. The agency is also the third party review and inspection agency for Minnesota manufacturers shipping products to North Dakota, Wisconsin and Iowa, and Minnesota/IBC labeled buildings are currently being allowed by South Dakota.

CCLD's Manufactured Structures Section staff review plans and inspect units for structural, plumbing, mechanical and electrical codes based on the receiving states' adopted construction codes.

Production and inspection

From July 1 to Sep. 30, 2012

- Minnesota had 19 percent of all IBC modular building production -- the highest percentage in the nation.
- Minnesota produced 351 modules (164 buildings when assembled). 207 of these modules were shipped to



Above, a worker is shown in a Minnesota production facility in 2012. View a photo gallery from The Atlantic that shows some of the completed manufactured structures in which the workers live.

North Dakota.

- Minnesota was the review and inspection agency for 18 percent of IBC manufacturers production.

From Oct. 1 to Dec. 31, 2012

- Minnesota had 15 percent of all IBC modular building production.
- Minnesota produced 253 modules (123 buildings when assembled). 157 of these modules were shipped to North Dakota.
- Minnesota was the review and inspection agency for 13 percent of IBC manufacturers production.

Boiler inspection

2013 Industry Days boiler seminar wraps up



DLI's boiler unit recently completed its Industry Days seminar. The event was conducted March 25 and 26 in Stillwater.

Dozens of attendants heard about topics ranging from codes, installations, safety procedures, incidents and violations and an array of related industry subjects.

Stay up-to-date with educational offerings by visiting www.dli.mn.gov/CCLD/education.asp.