

Board of High Pressure Piping Systems
Meeting Minutes
January 15, 2009
Minnesota Room – Department of Labor and Industry
443 Lafayette Road North, Saint Paul
DLI.CCLDBOARDS@State.MN.US

Members Present:

Jim Andrie
Bob Bastianelli
Mark Geisenhoff
Todd Green (DLI Commissioner's designee)
Maureen Hanson
Mark Kincs
Peg Larsen
Vicki Sandberg
Larry Stevens, Jr.

Staff Present:

Wendy Legge
Annette Trnka
John Schultz
Kevin Wilkins

Visitors:

Matthew Lemke
Gary Thaden

Members Absent:

Therese Bozicevich
Pat Galatz
David Grong
Larry Jordan

I. Call To Order

The meeting was called to order by Chair Larry Stevens at 10:01 a.m.

II. Approval of Meeting Agenda

Sandberg moved to accept the Agenda, seconded by Bastianelli. The vote was unanimous and the motion passed. Andrie and Hansen were not present for this vote. Andrie arrived at 10:03.

III. Approval of Previous Meeting Minutes

Legge pointed out an error in the Minutes on page two, under IV(A)(ii) that the "I" should be a "1." Sandberg stated the unknown name of the guest was Paul Batsche. Bastianelli moved to approve the amended Minutes, seconded by Sandberg. The vote was unanimous and the motion passed. Hansen was not present for this vote.

IV. Regular Business

A. Minnesota High Pressure Piping Code

- i. Report on Dual Notice and Request for Hearing notices – Legge stated that the Dual Notice was published in the State Register on December 22, 2008. The deadline for comments and requests for hearing is January 21, 2009 by 4:30 p.m. To date there have been no requests for hearing, nor any comments made. If a hearing is required, the hearing is scheduled for February 11th in the Minnesota Room. Hansen arrived at 10:07 a.m.

Sandberg asked if anyone was aware of any comments that would be forthcoming or if it was anticipated that anyone's constituencies would request a hearing. Legge stated that before the notice was published, she had been informed by Gary Thaden that they would be submitting 25 Requests For Hearing by the deadline merely as a means to make sure that if other requests for hearing came in that his organization would be involved in the discussion. Legge stated that her impression from what Mr. Thaden said was therefore if there were no other requests for hearing, they would be withdrawing their requests.

B. Licensing – There was no discussion on licensing.

C. Continuing Education – There was no discussion regarding continuing education.

V. Special Business

A. Sub Committee Reports – none of the Committees have met.

- i. Ammonia
- ii. Licensing
- iii. Bio-Processing
- iv. Welding
- v. Steam

B. Committee membership discussion. There was no discussion regarding Committees or their members.

VI. Complaints

There have been no complaints directed to the Board.

VII. Open Forum

There were no requests for Open Forum.

VIII. Board Discussion

Todd Green referenced the proposed legislation language that has been included in the packet. This language is proposed for the Department of Labor and Industry's clean up bill by Flint Hills and perhaps others. The proposed language is Sec. 12. Minnesota Statutes 2008, section 326B.921, Subd. 2a.

Under the current rulemaking, the Board has agreed to delay the effective date of the definition of “Repair” to August 2010. This would allow enough time for interested parties to present to Legislators language to allow owners who are licensed high pressure piping contractors to use unlicensed unregistered persons (who are employees of the owner) for welded repairs and replacements on their facilities. This language also puts further requirements on the owners to have a repair/maintenance program on file approved by the Department of Labor and Industry. The maintenance program requirements would be similar to the boiler owner/repair programs.

Sandberg asked who from the Department of Labor and Industry would give the approval that the program submitted meets all of the requirements and whether that approval would come before the Board. Green answered that it would be an internal review by the Department to ensure the program meets the requirements before approving the program. Legge stated that whenever it states “approval by the Department” that the duties ultimately lie with the Commissioner of the Department of Labor and Industry, however the approval would be public and therefore could be reported to the Board.

Andrie asked about 6.34 – inspection whether that authority is under the Department or under the owner. Green stated that the Department’s inspectors can look at high pressure piping installed anywhere at any time, but the proposed language refers to the owner’s internal inspection quality control program. Andrie asked if the Department anticipates the program will be more stringent than what would normally be done. Green answered yes.

Wilkins stated that he had potentially identified the potential locations where this may apply to and felt that it’s approximately nine to twelve owners/users, based on who the Department licenses and who has the boiler quality control programs. Stevens stated this would most likely affect those large companies and not every user is licensed. Green stated that even having the license, the program would have to be acceptable to the Department.

Kincs stated that it’s not quite as clear that the owner/repair program is being compared to a national repair program and has concerns that the program be held to a national program’s standards in scope. Geisenhoff stated that this language is standard in the quality control industry. When the subject is “control of work,” “inspection welding,” and “non-destructive testing,” a quality control manual that addresses those concerns is pretty straight forward. Geisenhoff stated he doesn’t see much subjectivity in whether there’s an established quality control program or not based on those topics.

Kincs asked what rules were being moved to 5231. Legge stated that we have asked the Revisor to separate out those rules, but as of yet there isn’t a Chapter 5231. She stated that it’s premature for the legislation to refer to 5231 and went on to state that at the end of 2009 the Revisor will publish a new set of rules and hopefully the rules will be separated at that point. It could also be that next year, clean-up legislation could state “and add 5231.” Legge stated that the rules that are going to be moved to 5231 are the rules that are under the Department’s authority such as permitting and inspection rules, which are not under the Board’s authority.

Sandberg asked what the time frame is on this proposed language, and was the proposed language just for the Board's information or whether the Board's input is being sought. Legge stated it is approved for jacketing. Green stated that the Board's input is encouraged.

Sandberg stated that the language should have been brought to the attention of the Licensing Committee for the Licensing Committee's review. Geisenhoff stated that the language has been drafted a number of different times over the last six months and discussed several times by the Licensing Committee and there was input from the group. Geisenhoff stated he had an action item to try to draft language that was similar to the boiler language which was completed and brought back before the Board and the Board also discussed it. Sandberg stated that she was referring to the language in its current form has not yet been presented to the Licensing Committee. Green stated that the Board doesn't have authority for rules on unlicensed activity; that authority is in statute. Stevens asked if the boiler rules describe the repair program that's per ASME. Wilkins answered that the repair program is based on the National Board's standard. Geisenhoff stated he doesn't believe it's stated in the boiler language and doesn't feel the language should be added to high pressure piping rules if it isn't in the boiler language. Wilkins answered that the boiler law provides for the repair but defers to the agency what that standard will be. Wilkins stated that one could be created by rule, but it would be folly given that one already exists.

Stevens states that for the Department to manage it would be quite manageable as there are 9 or 10 users. Wilkins answered that he doesn't know if some of the ones that could do it would do it as they are already using licensed pipe fitters to do that work. Sandberg asked how many people have boiler programs right now under the existing language. Wilkins answer that there are in excess of 60 "R" Stamp programs in the state, but the vast majority of them do not have licensed pipe fitters working there. Bastianelli asked how many the Minnesota repair program – not "R" Stamp programs. Wilkins answered that he thinks there are only three.

Kincs asked if there is a timeline for the cleanup bill to be completed. Legge answered she didn't believe there was a set timeline as the language has only been jacketed. Larsen stated the process is that the language goes to the Revisor to be drafted and then it gets jackets for the House and Senate and then it gets the authors signatures and then it's introduced in both bodies and given a number, which takes a couple weeks.

Stevens concluded by stating the hearing was scheduled in the Minnesota Room at DLI if 25 requests for hearing were received. Stevens stated that otherwise he plans to have the Board meet quarterly instead of monthly.

X. Announcements

A. Next Regularly Scheduled Meeting

- i. Hearing – February 11, 2009, 9:30 a.m. – Minnesota Room, DLI, if necessary
- ii. April 1, 2009 – 10:00 a.m. – Minnesota Room, DLI
- iii. July 9, 2009 – 10:00 a.m. – Minnesota Room, DLI

XI. Adjournment

A motion was made by Larsen, seconded by Hanson to adjourn the meeting. All voted in favor and the motion passed. The meeting adjourned at 10:29 a.m.

Respectfully Submitted,

Bob Bastianelli

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