

Regarding Licensure Necessary To Engage In the Venting of Flue Gases From Gas Fueled Appliances

Massachusetts Board of Examiners of Plumbers and Gas Fitters Interpretation of its Regulations as found at 248 Code of Massachusetts Regulations Regarding Licensure Necessary to Engage in the Venting of Flue Gases from Gas Fueled Appliances

Enacted October 25, 2006

The Board of Examiners of Plumbers and Gasfitters (the "Board") voted today to adopt and issue the following interpretation of the provisions of Chapter 142 of the Massachusetts General Laws and the Board's regulations as found at 248 CMR relative to the licensure necessary to engage in the venting of flue gases from gas fueled equipment. This interpretation is intended to serve as an educational resource for local plumbing inspectors and for licensed plumbers and gasfitters.

The Board has adopted this interpretation following consultation with and the advice of Board Counsel. The Board adopts this interpretation notwithstanding the October 31, 1986 Suffolk County Superior Court decision in *James T. Hughes Sheet Metal, Inc. and Sheet Metal Workers, Local 17 vs. State Board of Examiners of Plumbers and Gasfitters, Civil Action No. 84874*.

The Board has determined that the *Hughes* case and the decision rendered therein is applicable only to the facts and circumstances of that case. Moreover, in light of the recent enactment of legislation requiring carbon monoxide detectors in residential dwellings, and the carbon monoxide poisoning incidents which resulted in the enactment of that legislation, the Board has determined that the *Hughes* decision is no longer viable and is contrary to the health and safety of the public. The Board reaches this conclusion because the *Hughes* case, a 1986 decision, imposed an overly limited interpretation of the term "gas fitting" as it is defined in Section 1 of Chapter 142 of the General Laws of Massachusetts. As a result of that limited interpretation, the decision in *Hughes* conferred authority to engage in the venting of flue gases from gas fueled equipment upon persons neither trained in the manner in which flue gases are to be properly and safely vented nor subject to either the regulations promulgated by the Board or the National Fuel Gas Code, NFPA 54-2002, ANSI Z223.1-2002 regulating the manner in which flue gases are to be properly and safely vented.

PURPOSE:

To clarify and interpret the Board's regulations regarding the licensure necessary to install the venting of flue gases associated with the installation, operation, repair or maintenance of gas fueled appliances.

INTERPRETATION:

The Board's regulations at 248 CMR 3.05(1)(b)8, state that permits to perform gas fitting work shall only be issued to licensed plumbers or licensed gas fitters.

The complete installation, alteration, replacement or repair of gas fueled equipment requires that the licensed plumber or gas fitter provide the proper venting of any gas fueled appliance in accordance with the regulations promulgated by the Board, the National Fuel Gas Code, NFPA 54-2002 and ANSI Z223.1-2002. The provisions of these regulations and codes are applicable to licensed plumbers or gas fitters. The licensed plumber or gas fitter is responsible for all aspects of the gas fitting work for which the permit is applied for and issued, including the venting of the flue gases resulting from the operation of the gas appliance installed, altered, replaced or repaired in accordance with all applicable codes and regulations. The licensed plumber or gas fitter must be present for the final inspection of any installation, alteration, replacement or repair of any gas appliance, which includes the proper venting of such equipment. Final inspection will not result in an approval unless all regulations, code provisions and standards are complied with, including those related to the venting of flue gases.

Therefore, given that the regulations and code provisions for the installation, alteration, repair or replacement of gas fueled equipment, including the venting of the flue gases from that equipment, are enforced as against the licensed plumber or gas fitter to whom the permit for such work is issued, then only a licensed plumber or gas fitter or an appropriately trained person under the control and supervision of a licensed plumber or gas fitter can perform such work, specifically including the venting of gas fueled equipment in accordance with applicable regulations and code provisions.

Specifically, the venting of flue gases should be performed as follows:

A. Large Boilers of 400,000 BTU/hr or more:

248 CMR 7.00 of the Massachusetts State Plumbing and Gas Fitting Code addresses Gas Utilization Equipment in Large Boilers (400,000 BTU/hr or more). Because of the size of the venting systems associated with Large Boilers of 400,000 BTU's or more, it is the Board's interpretation of its regulations in 248 CMR 7.00 that the vent connectors, vent connector manifolds, breeching, metal or factory built chimneys and or venting system associated with large boilers of 400,000 BTU/hr or greater may be installed by individuals qualified to assemble and construct combustion venting piping or conduits when the following conditions are satisfied;

1. A licensed (Master or Journeyman) Plumber or Gasfitter shall be responsible for and supervise the installation performed by such qualified individuals, and;
2. The supervising licensed (Master or Journeyman) Plumber or Gasfitter has secured a gasfitting permit in compliance with 248 CMR 3.00.

B. Gas Equipment under 400,000 BTU/hr:

248 CMR 5.00 of the Massachusetts State Plumbing and Gas Fitting Code addresses Gas Equipment under 400,000 BTU/hr. It is the Board's interpretation of its regulations at 248 CMR 5.00 entitled Amendments and Modifications to ANSI Z223.1-NFPA-54, 2002 edition, that the vent connectors, vent connector manifolds, breeching, venting systems or special venting systems of gas appliances and gas equipment that is less than 400,000 BTU/hr shall be installed by licensed plumbers or gasfitters only, except as follows:

1. Listed chimney lining systems, metal and factory built chimneys, ventilation hoods used for exhausting combustion by-products and B-Vent, all as defined in NFPA-54 may be installed by individuals qualified to assemble and install such systems for gas appliances when the following conditions are satisfied:
 - a. A licensed Master or Journeyman Plumber or Gasfitter shall be responsible for and supervise the installation performed by such qualified individuals, and;
 - b. The licensed Master or Journeyman Plumber or Gasfitter has secured a gasfitting permit in compliance with 248 CMR 3.00:.

DISCUSSION:

G.L. c. 142, § 1 defines "Gas fitting" as "any work which includes the installation, alteration and replacement of a piping system beyond the gas meter outlet or regulator through which is conveyed or intended to be conveyed fuel gas of any kind for power, refrigeration, heating or illumination purposes including the connection therewith and testing of gas fixtures, ranges, refrigerators, stoves, water heaters, house heating boilers and any other gas using appliances, and the maintenance in good and safe condition of said systems, and the making of necessary repairs and changes. Emphasis added.

G.L. c. 142, § 1 also defines "Master gas fitter" and Journeyman gas fitter." A master gas fitter is defined, in pertinent part, as "a gas fitter, . . . , who, . . . , performs gas fitting work, subject to inspection and in compliance of any law, rule or regulation pertaining to same." A journeyman gas fitter is defined as "a person who himself does any work in gas fitting, subject to inspection under any law, rule or regulation pertaining to same." Emphasis added.

In accordance with the above definitions, gas fitting work includes the "installation, alteration and replacement of the piping system through which the fuel gas is supplied, but it is not limited to that aspect of gas fitting work alone. It also includes the maintenance in good and safe condition of gas appliances and their systems. The gas appliance system includes the venting of flue gases, a potentially dangerous by-product of the system installed by the gas fitter. All gas fitting work, whether performed by a journeyman gas fitter or a master gas fitter, must be performed in compliance with "any law, rule, or regulation pertaining to same."

Under G.L. c. 142, § 13, the Board is authorized to promulgate rules and regulations relative to gas fitting in buildings throughout the commonwealth. The regulations are to be reasonable, uniform,

based on generally accepted standards of engineering practice, and designed to prevent fire, explosion, injury and death. The proper venting of flue gases, including carbon monoxide, which are the by-product of gas fueled equipment installed by licensed plumbers or gas fitters, is addressed not only by the Board's regulations, but also by the National Fuel Gas Code, NFPA 54-2002 and ANSI Z223.1-2002, the provisions of which have been adopted by the Board.

A licensed plumber or gas fitter is trained in the proper venting of flue gases in accordance with the aforementioned regulations, code provisions and standards, and is tested on his or her knowledge of those provisions before being issued a license.

A local inspector of gas fitting will inspect an installation, alteration, repair or replacement performed by a licensed plumber or gas fitter pursuant to a gas fitting permit issued by the local inspector to ensure that the licensed plumber

or gas fitter has complied with those provisions. Only when the installation, alteration, repair or replacement has been determined to comply with all applicable regulations, code provisions or standards, including those applicable to the venting of flue gases, will the local inspector indicate his or her approval on the permit. Strict compliance with all regulations, code provisions and standards in the venting of flue gases by the licensed plumber or gas fitter is critical, as failure to comply with those provisions could result in serious injury from carbon monoxide poisoning to occupants of the building where the gas equipment is installed. It is for that reason that the venting of flue gases resulting from the operation of gas fueled equipment must be performed by licensed plumbers or gas fitters or, in the circumstances described above, by appropriately trained persons under their control and supervision