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COMMERCIAL/INDUSTRIAL/INSTITUTIONAL MECHANICAL CONTRACTORS

SUMMER 2009

New Interpretation Of Massachusetts Sprinklerfitter License Requirements

The Department of Public Safety, which promulgates rules and regulations for examining and licensing of fire sprinkler contractors in Massachusetts, has recently issued an interpretation of sprinklerfitter license requirements by more precisely specifying when a license is required and how the regulations affect piping leading to a municipal fire hydrant.

Piping Systems, Inc. is licensed as a Fire Sprinkler Contractor in Massachusetts as well as in other states. Our team of licensed sprinklerfitters are qualified to meet all of your fire protection system needs; from initial design, installation, maintenance and repair, to final sign-off with the local fire chief. Do you have a maintenance or alteration issue? Call us at (508) 644-2221 or e-mail psi@piping-systems-inc.com and let us demonstrate our capabilities to you.

The following is a reprint of a memorandum that was published in September 2008 regarding sprinklerfitter license requirements. This can also be viewed on the Department of Public Safety's website at http://www.mass.gov/Eeops/docs/dps/inf/bureau_advisory_ruling_09_17_08.pdf

The Commonwealth of Massachusetts Department of Public Safety

From: Mark F. Mooney, Chief of Inspections – Mechanical
Re: Official interpretation of sprinklerfitter license requirement
Date: 9/17/08

I. Introduction

This shall serve as an official interpretation relative to the necessity of a license issued by the Department of Public Safety ("Department") to perform work on fire protection sprinkler systems. This opinion is being issued by the Department as it is the agency (via its division of inspection) that enforces G.L. c146, §§81-88. There are two specific questions that have been raised: (1) when it comes to the installation and maintenance of pipes that ultimately service fire protection sprinkler systems, when is a fire protection sprinkler system contractor's license required? and



A recently completed fire protection system project.

(2) is a license required to install or maintain piping leading to a municipal fire hydrant? Each question is addressed in turn below.

II. When is a license required?

No person shall work as a fire protection sprinkler system contractor unless that person is lawfully licensed by the Department for those purposes. See GL c.146, §84. Work on a fire protection system includes:

the installation of all fire protection and fire control systems, including both overhead and underground water mains, fire hydrants and hydrant mains, standpipes and hose connections to sprinkler systems, sprinkler tank heaters, air lines and thermal systems, hot water fire protection systems and standpipes connection to sprinkler systems.

G.L. c.146, §81. Given the complexity

of piping systems involved in the conveyance of water, questions have been raised as to precisely where in a system a license is first required to perform work (By statute, the term "work" includes "execution of contracts, the preparation of technical drawings, sale, installation, alteration, modification, inspection, maintenance, removal and repairing of any [fire protection sprinkler] system or any part of such system." G.L. c.146, §81.). Certainly, the law does not require a person to be a licensed fire protection sprinkler system contractor to perform work on a pipe that services numerous depots and is miles underground from a fire protection sprinkler system. As such, the Department shall enforce the law in the following manner as it is the only practical approach towards furthering the clear intent of the statutory scheme.

A fire protection sprinkler system license is only required when the work at issue involves dedicated fire protection

continued on page 4



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License Requirements... *continued from page 1*

sprinkler lines. That is, in order to install or maintain a pipe the sole purpose of which is to provide water to a fire protection sprinkler system, a license is required. Alternatively stated, if a pipe is bifurcated or serves any purpose other than supplying water to a fire protection sprinkler system (e.g. – delivering potable water), no sprinkler license is required to install it or perform work on it. A pipe shall be considered to begin at the first circumferential joint off of a main line.

III. Municipal piping

The law does not provide for any exemption for work being performed on municipal fire protection sprinkler systems. The analysis employed in section II above applies equally to systems on municipal property. Accordingly, any municipal employee who installs, removes, repairs, or maintains a pipe or other component of a municipal fire protection sprinkler system (e.g. – fire hydrants) must be property licensed by the Department of Public Safety.

Though G.L. c.40N does grant municipalities the power to create a commission to oversee an effective and efficient system of water and sewer works, it does not in any way exempt municipal employees from the licensing requirements of G.L. C.146, §84. Similarly, G.L. C.40, §§38-42 grants municipalities the right to create, maintain, and operate a water supply system. However, both chapters are

silent when it comes to licensing issues. It is not inconsistent with the purposes of either chapter to require licensure to perform work on municipal fire protection sprinkler systems. To the contrary, it will serve to ensure that such work is undertaken by qualified individuals. Just as a town snow plow driver must possess a state issued driver's license, a town employee engaging in fire protection sprinkler work must possess a Department issued license.

The following Administrative Ruling was issued by the Commonwealth of Massachusetts, Department of Public Safety

The Commonwealth of Massachusetts Department of Public Safety September 17, 2008

Administrative Ruling – M.G.L. c. 146 section 81

Pursuant to Massachusetts General Law Chapter 30A section 8, the following is a ruling with respect to the definition of the word "inspection", and "test" as used in Massachusetts General Law Chapter 146 section 81 as it applies to sprinkler systems.

For the purposes of enforcing Massachusetts General Law Chapter 146 section 81, the term "inspection", as used in relation to sprinkler systems is hereby defined as "documented visual observation and testing of a fire protection

system required to be performed on a monthly, quarterly, semi-annually or annual basis that impares (sic) or disables the system. Inspections must be performed by a duly licensed Fire Protection Sprinkler Contractor Company. Individual employees performing the inspection under the employ of a Fire Protection sprinkler Contractor are not required to hold a license, however it is strongly recommended.

"Routine surveillance," is the daily or weekly monitoring of a fire protection sprinkler system, by the owner or their employee, whereby the system is not impaired and may include the verification of valve position.

"Testing," is the visual observation of a fire protection sprinkler system by any individual that does not impair or disable the fire protection system.

All repairs of a fire protection sprinkler system must be performed by duly licensed Massachusetts Sprinklerfitters. There is no exemption under the law for this work and unlicensed individuals may not work under another person's license.

Signed,
Mark F. Mooney
Chief of Inspections – Mechanical
Chairman, Bureau of Pipefitters,
Sprinklerfitters and Refrigeration Technicians



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