



State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
LABOR STANDARDS AND SAFETY ENFORCEMENT

DIVISION OF PUBLIC SAFETY & OCCUPATIONAL SAFETY & HEALTH
MECHANICAL INSPECTION BUREAU OF BOILER & PRESSURE VESSEL COMPLIANCE

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Governor

SHEILA OLIVER
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Acting Commissioner

January 16, 2018

ADVISORY BOILER OPERATOR LICENSING

RE: Public and Private School Compliance

In accordance with the regulatory authority granted by the Boiler, Pressure Vessel and Refrigeration Laws, this Advisory is for all school districts and ensures that the safety of the general citizenry in the operation and licensing of boiler plants. Specifically, this Advisory provides clarification on the statute "Act on Licensing N.J.S.A. 34:7-1 and the regulatory provisions established at N.J.A.C. 12:90-8.4 and 8.5 for a person seeking to become licensed as a boiler operator. This Advisory responds to numerous inquiries the Mechanical Inspection Bureau of Boiler and Pressure Vessel Compliance (MIBBPVC) has received regarding; (1) the eligibility of a person desiring to take the low-pressure boiler operator's examination given by the BB&PVC, (2) the training of boiler operator candidates documented in logbooks; (3) the overall responsibility of the boiler plant owner for compliance with the licensing law; and (4) the MIBBPVC policy regarding contractors and the licensing requirements.

Eligibility of Persons Desiring Low-Pressure License

Compliance with the Licensing Act, N.J.S.A. 34:7-1, is mandatory and the rules established by this statute at N.J.A.C. 12:90-3.5 establishes the capacity criterion for determining what equipment a licensed operator must operate. A license is required when the steam or hot water heating plant has a rated capacity that exceeds either 499 square feet of heating surface, or 100 boiler horsepower, or 1,000 kilowatts, or 4,000,000 Btu "input" regardless of the pressure or temperature conditions, and only when the building or buildings being served is deemed occupied. An "occupied building" is a building occupied by persons other than custodial or security personnel at any given time during the day or at night. Please be aware that the licensing statute clearly specifies that the "input" rating (**Note: The manufacturer's nameplate contains the input rating**) determines if equipment requires a licensed operator.

N.J.A.C. 12:90-8.4 and 8.5 establishes two ways an applicant is eligible for the low pressure boiler operator's examination. (1) At N.J.A.C. 12:90-8.4, it specifies that an applicant must have had at least three-months of experience as a helper or assistant to a licensed operator of equipment detailed at N.J.A.C. 12:90-3.5 as requiring a licensed operator. (2) At N.J.A.C. 12:90-8.5, the applicant can receive intensive training for six weeks (30-full working days) in a program established by the responsible management representative when such a program has been approved by the MIBBPVC. Such training shall be documented in a "logbook" that is established by the owner. The owner shall appoint a designated licensed operator to conduct the training of the candidate. The training shall be one-on-one; and the trainee must have written verification from the owner's management representative who is responsible for the daily operation of the boiler plant and safety. Training must be in accordance with N.J.A.C. 12:90-8.5.

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Training of Boiler Operator Candidates

The provisions of N.J.A.C. 12:90-3.10 "Duties of licensed persons" establishes the responsibility of the licensed operator and the necessary training documentation for trainees in a boiler plant. The potential boiler operator candidate must be: (a) in the employ of a school district; (b) be identified by the owner (school board district) of the boiler plant at a specific location; and (c) must receive training for the duration indicated in the regulation above. It is imperative that the training received shall be at a location within the school system where the equipment is of the size that requires a licensed operator in accordance to the regulation. Upon completion of the period of training, a license application can be completed and submitted along with a valid copy of the trainee operator's logbook as required by N.J.A.C. 12:90-3.10.

For clarification purposes, the MIBBPVC determines that a "work-day" shall be comprised of a five-day work week; minimum of five-hours per day, which must be devoted to hands-on training to satisfy the licensing provisions established by N.J.A.C. 12:90. During the training period, the owner must ensure the prospective operator(s) perform the duties and functions specific to a licensed operator and work in the boiler plant alongside a licensed and experienced Stationary Engineer or boiler operator.

The total training period of three months is equal to 12 weeks. Therefore, calculate the training as follows:

$$\begin{aligned} 5 \text{ hours/day} \times 5 \text{ days/week} &= 25 \text{ hours per week} \\ 25 \text{ hours per week} \times 12 \text{ weeks} &= 300 \text{ hours} \end{aligned}$$

Training must be organized and developed so as to assess the skill, knowledge and qualification of a trainee. In accordance with N.J.A.C. 12:90-3.10 the boiler room logbook shall document all training. The MIBBPVC document "Guidelines for Logbooks" contains examples of proper logbook entries and the "Boiler Operator Body of Knowledge" document lists the perspective subject matter and skills for a potential applicant you plan to hire or expect your service organization to hire. These documents should be part of your operational plan implemented prior to any hiring and at the start of training.

Owner's Responsibility

Only the owner or a senior management designee that represents the power and authority of the owner shall endorse the application. This designee shall report directly and be employed by the school district. When hiring outside firms to staff and operate the boiler plants all schools must comply with the following:

1. Proper licensing and staffing is the responsibility of the owner of the equipment. Regardless of your contract with the hired personnel, the owner shall be accountable for all non-compliance issues experienced. Contractor personnel hired to operate the equipment must also comply with the provisions established by the Licensing Act N.J.S.A. 34:7-6.
2. Ensure the contractor personnel that represent themselves as licensed operators are legitimate. The MIBBPVC recommends that a contract not be written without assurance that the personnel of the company have valid licenses issued by the MIBBPVC.
3. The school district must ensure that all Contractor personnel provide valid and official identification of the personnel that will work in the locations requiring a licensed operator. At a minimum, the school district should confirm the physical and mailing address of the Contractor personnel; obtain the original license certificate and identification card issued by the MIBBPVC for each of the licensed employees. The school district should contact the MIBBPVC to validate license information.

4. Only the equipment owner shall endorse the license application. The MIBBPVC shall not accept any application endorsement from contracted services representatives hired to operate the boiler equipment because they do not own the equipment. The contractor services working in a New Jersey “school” do not represent the interest of the actual owner of the equipment and cannot validate the application for the owner. It is the responsibility of the owner to ensure that the contracted service is providing properly licensed boiler operators. The owner must ensure that any new hires made by the contractor hold a valid license and that any personnel identified to operate the boiler plant in accordance with the N.J.A.C. 12:90 have the proper training and license.
5. Regardless of whether the potential operator is working for a Contractor or directly employed by the school, the time spent in training shall only be documented at the time it actually happen. The training is cumulative and may occur continuously or over a period of time. In order for the training to be legitimate, the boiler plant must be operating (actually in use) and only the actual time training is to be documented in the logbook. For example, an employee hired in June when the boilers are typically off-line, would not meet the eligibility requirements in September simply because of three months of employment.
6. The owner’s responsibility clearly delineates under the provisions of the licensing statute N.J.S.A. 34:7-6 Penalties that “Any person who shall violate any of the provisions of this article shall be liable to a penalty of not less than \$500 or not more than \$5,000 per day for each violation, to be collected by suit or compromise. An officer of a corporation violating any of the provisions of this article shall be personally liable, for the violation by such corporation. Any manager, superintendent or other person in charge of any building or other places in which this article is violated shall be liable for such violation”.

The MIBBPVC advises all schools to conduct periodic compliance inspections throughout the school year and ensure compliance to the statutes and regulations. The responsible person for the school district must ensure that there is proper licensed coverage during the school day and when the building is occupied after regular school hours. If found in violation of the Licensing Act N.J.S.A. 34:7-1, the owner or others as specified by N.J.S.A. 34:7-6 could be liable to a penalty assessment of \$500 for each location with possible additional judgments of \$5,000 per violation for failure to comply.

With the changes in the economy and hardships facing many schools, it is the intent of the Department to ensure that safety is not compromised for the sake of the children. All questions or requests for information regarding this Advisory should be directed to the MIBBPVC by calling (609) 292-2921; by email to: BPVRCompliance@dol.nj.gov; by Fax at (609) 984-1577, or by written request to the address below.

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Signed:
Examining Board, Mechanical Inspection Bureau of Boiler and Pressure Vessel Compliance