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*Frequently Asked Questions for New Regulations*

On April 30, 2021, new regulation changes went into effect. These changes were made to chapters 3, 4, 5, 10, and 11 of the Board's regulations (also known as 248 CMR 3.00, 4.00, 10.00, and 11.00). The purpose of these frequently asked questions is to assist licensees and the public in understanding these changes. This is an advisory only, readers should refer to the actual regulations themselves as any unintended conflict between this FAQ and the regulations must be resolved in favor of the regulations.

General

1. When are the code changes effective?

A: The effective date of the code change is April 30, 2021.

2. What are the enforcement requirements / recommendations regarding jobs in progress?

A: Code changes are not generally enforced retroactively absent certain explicit language. Accordingly, these code changes only apply to jobs in which a plumbing/gas permit was issued on or after the effective date. Ongoing jobs with a valid plumbing/gas permit issued prior to the effective date of these code changes shall adhere to the code in effect prior to the code changes. In the event these requirements create a hardship or unusual circumstance, a variance may be sought pursuant to the provisions of 248 CMR 3.04(2).

Section 3.00 Revisions

3. May an entity that is not in the business of plumbing, like a university or hospital, employ in-house apprentices to perform plumbing work on its premises and then grant credit towards licensure to those apprentices?

A: Yes, however the entity employing the apprentice must also employ a master plumber to ensure the apprentice is properly supervised. See 248 CMR 3.03(1)(b)(1) and 248 CMR 3.03(2)(b)(7).

4. I am a master plumber and pay apprentices cash, at tax time I issue 1099 forms, I've been told this is a problem, what should I do?

A: The Board relies on tax forms as one type of verification that an apprentice is working as an employee in plumbing/gas fitting. A 1099 form is typically issued to an independent contractor who by definition is not an employee. An apprentice by law may not be an independent contractor, which by definition would mean that their work is not under the supervision/control of their employer. This could cause problems for an apprentice seeking higher licensure as well as lead to disciplinary action against the employer. Accordingly, if an employer has issued a 1099 form to an apprentice, they should obtain professional advice (such as by a certified public accountant) on steps necessary to issue a W-2 form for the plumbing/gas fitting work performed. See 248 CMR 3.03(2)(a)(6)

5. An employee has served his/her/their full apprenticeship with one corporation. The master plumber of record changed three years into his apprenticeship. Can the current master plumber sign off on time worked during the first 3 years even though that master was not the master plumber for the corporation at that time?

A: The departing master was obligated to provide the apprentice with a signed statement of experience. However, if the apprentice was unable to obtain this, the Board will accept a statement from the new master so long as it includes employment records demonstrating that the apprentice was employed with the company during the requisite period. See 248 CMR 3.03(2)(b).

6. I want to hire a friend who is not licensed to install some simple plumbing at my house, can I get a variance from the Board to waive the licensing requirements?

A: No, licensing requirements are set by law, variances are only for seeking exceptions to requirements of the plumbing and gas codes. See 248 CMR 3.04(2)(e).

7. I am a plumbing inspector. While I'm on a jobsite, I see something I know to be a violation of the electrical code. Can I deny approving the plumbing on the job for this issue?

A: Generally no, as enforcement of the electrical code is not the jurisdiction of a plumbing inspector. However, inspectors should work with other authorities having jurisdiction to ensure properties and work are safe. See 248 CMR 3.05(1)(a)(5).

8. My gas supplier sent two people to my house to replace some old piping which is connecting my furnace to the gas meter. These people told me they were apprentices but didn't need to be supervised, is this a violation of law?

A: Employees of gas companies do not need to be licensed to perform gas fitting work. Through their companies, they are considered licensed and authorized employees. They still need to obtain gas permits and get inspections. See M.G.L. c. 142, §3, 248 CMR 3.05(1)(b)(8)(a), and 248 CMR 3.05(1)(b)(10)(b).

9. I am behind on property taxes in a certain town, may the inspector deny me permits?

A: Yes, but only if:  
1): the city/town has adopted M.G.L. c. 40, §57, and  
2): the licensee seeking to obtain a permit (not the property owner) is the one owing property taxes in that city or town. See 248 CMR 3.05(1)(b)(10)(e).

#### Section 4.00 Revisions

10. Does the new definition of fuel gas only apply to jurisdiction in "buildings" as defined in the code?

A: The amended definition of Fuel Gas does not change the jurisdiction of the gas code, which regulates "piping systems in permanent structures, buildings under construction [which is defined as... any structure being built including tents, which utilize gas on a temporary basis], as well as exterior installations. See 248 CMR 4.03((1)(a)(3).

11. Does a gas need to be combusted to be considered a fuel gas?

A: No, the definition of fuel gas was amended to remove confusion which made readers believe a gas needed to be combusted to be used as fuel, even though such a limitation did not exist in the general laws. A gas that is combusted or consumed in some other way for use as a source of energy is considered a fuel gas. See 248 CMR 4.02.

#### Section 5.00 Revisions

12. Does any piping used to vent a gas appliance need to be listed on the Board's website as Product Accepted include CPVC and polypropylene?

A: Yes, product acceptance is required for all piping and fittings used for venting of gas appliances. See 248 CMR 5.03(2).

13. If a permit was taken out prior to the regulation becoming effective but the work and inspection was not performed until after, does the installation need to comply with the new revisions?

A: No, see the answer to question #2, above.

14. If a gas appliance is being replaced and the existing gas vent piping is buried in the wall or ceiling, does the concealed piping also need to be brought up to current code or just the new pipe necessary for the appliance replacement?

A: No, if the concealed piping is not being removed or altered, it is considered part of an existing system and, if in compliance with the code in effect at the time of installation, would not need to be replaced via the current code. See NFPA 54 subsection 1.3.

Exceptions:

1. If the manufacturer of the new appliance being installed prohibits the use of existing concealed piping in their instructions.
2. If the existing visible/exposed gas vent piping has been compromised, all the gas vent piping would need to be replaced. See 248 CMR 3.05(3)(g).

15. IPEX is listed on the Board's website as an approved material to vent gas appliances which makes it allowable under the regulation change. If the manufacturer of the appliance you are installing does not list it as an allowable venting material for their appliance, can you still use it because the Board allows it?

A: No, in this case the manufacturer's prohibition would not conflict with the code and would be considered more stringent, therefore, the manufacturer's prohibition must be adhered to. See 248 CMR 5.09(6) [replacing] subsection 9.1.22 of NFPA 54].

16. Is all PVC banned as a gas venting material? Are there any PVC pipes allowed as a gas venting material?

A: PVC is not banned as a gas venting material, however, it must be tested to a national/international standard appropriate for the equipment it is to be utilized with and listed on the Board's website as "product Accepted" for gas venting. See 248 CMR 5.12(2) [replacing subsection 12.5.2 of NFPA 54].

17. What standard(s) is required for PVC to be granted product acceptance for venting gas appliances?

A: The Board does not designate specific standards for product acceptance, rather it relies on neutral third party accreditation agencies, such as ANSI and UL, to create appropriate standards which reflect industry based procedures and testing to ensure a product is safe and appropriate for its intended use. For example, certain pipes are tested to UL-1738, a standard created by a private organization, Underwriters Laboratories, this standard would be acceptable for the use of certain pipes used for venting with certain products. However, testing to UL-1738 does not guarantee a pipe is good for all venting purposes, nor is UL-1738 necessarily the only testing standard which may be appropriate for venting. See 248 CMR 3.04.

18. If manufacturer installation instructions specify PVC as a venting option, is any PVC allowed in MA?

A: The allowance of PVC as a venting option in manufacturer installation instructions is insufficient. Said PVC must still meet the requirements of the Code to be utilized and Product Accepted for venting by the Board. See 248 CMR 5.12(2) [replacing subsection 12.5.2 of NFPA 54].

19. What standard is required for CPVC to be granted product acceptance for venting gas appliances?

A: See the answer for #17, above.

20. Will CPVC be allowed for gas venting if it meets the water pipe standard but not a gas venting standard?

A: No, water pipe standards are not gas venting standards, the piping to be utilized must be product accepted for the purpose it is to be used. See 248 CMR 5.12(2) [replacing subsection 12.5.2 of NFPA 54].

21. When the manufacture allows CPVC, does the CPVC also need MA product acceptance as a gas vent?

A: Yes. See question #18.

#### Section 10.00 Revisions

22. What are the only fixtures allowed to be piped in PVC for predominantly residential buildings?

A: PVC may be utilized for all manufacturer allowed fixtures in residential building that are no greater than ten stories in height. For mixed use buildings, so long as only one floor is commercial and meets the requirements of the Code, the fixtures in the residential portions may also utilize PVC. See 248 CMR 10.06(1)(o)(2)(h).

23. Can lead and oakum joints still be used in a plumbing system?

A: Yes, but it is no longer required. See 248 CMR 10.06(1)(o)(17)

24. Can No-Hub pipe, fittings and clamps be used for urinal drains in commercial buildings?

A: Yes, the code allows Resilient gaskets and no hub clamps with elastomeric sealing sleeves. See 248 CMR 10.06(1)(r)(2).

25. How many stories can PEX be used up to in a residential building?
- A: Six stories. See 248 CMR 10.06(1)(m)(7)
26. What is the minimum size for a washing machine drain?
- A: Two inches. See 248 CMR 10.08(1)(b)(Table 1)
27. Can PVC be used in any commercial buildings, what is considered predominantly residential?
- A: The code allowance to use PVC only applies in a multi-story building where a single floor is commercial and all other floors are residential. Further, the maximum number of plumbing fixtures in the commercial floor is four. See 248 CMR 10.06(2)(o)(2)(h).
28. Can PVC, ABS, PEX, CPVC now be installed on a commercial floor of a predominantly residential building?
- A: Yes, but the allowance for the commercial use of PVC, ABS, PEX and CPVC would be for employee non-industrial and limited to a maximum of four fixtures on that floor. See 248 CMR 10.06(2)(o)(2)(h) for limitations on the types of fixtures allowed.
29. Is a 2” standpipe required at the domestic clothes washer for a plumbing job in progress, the permit has been granted and the rough plumbing work has started?
- A: No. See question #1.

#### Section 11.00 Revisions

30. What is the maximum hours of school time an apprentice can accrue in one year?
- A: Tiers one and two, comprising 220 hours, may be completed in a single calendar year. Otherwise, a maximum of 165 hours of education may be earned each calendar year. See 248 CMR 11.02(1)(b)(3)(a) and (c).
31. If I am over 65, am I still exempt from the requirement to complete continuing education?
- A: No, with these revisions, age is no longer a valid exemption for continuing education for the cycle commencing on May 1, 2022. See 248 CMR 11.04(3)(a)(5).

32. Who qualifies for the new inactive license?
- A: Anyone regardless of age with a valid, active license. However, please note that no inactive licenses will be granted until internal steps (such as creating a new license in the electronic database) have been completed to implement it. See 248 CMR 11.04(3)(a)(7).
33. Can someone holding an inactive license still work?
- A: Generally no, the holder of an inactive license may only perform plumbing and gas fitting in their owner occupied single family house. See 248 CMR 11.04(3)(a)(5).
34. Has the amount of hours of work experience to qualify for the journeyman plumbing exam changed?
- A: Yes, the hours required have dropped by one year from 8,500 hours to 6,800 hours. See 248 CMR 11.02(1)(b)(1).
35. May an applicant work overtime to accrue enough work experience hours to test in less than four years?
- A: No, previously the Board voted to allow the total 8,500 hours to be completed in less than five years (with overtime work) to facilitate the Board's desire for the apprenticeships to be completed in four years. With this code change now in effect, that allowance is no longer required, thus applicants must complete four full years of work experience compiling at least 6,800 hours prior to testing. You may use overtime as part of this but must still work a full 4 years. See 248 CMR 11.02(1)(b)(3)(a).
36. Do 65 yr. olds that were age exempt as of April 30, 2021 need future continuing education classes?
- A: Yes, see the answer to #31, above
37. Does the age exemption end, with its inactive exception, beginning May 1, 2022 and Session #15?
- A: Yes, see the answer to #31, above
38. May an apprentice who has completed Tier 5 and has accrued 7,000 hrs, now apply for examination?
- A: Yes, that apprentice would have met the new requirements. See 248 CMR 11.02(1)(b).