

No. 1993-5

AN ACT

SB 719

Amending the act of May 2, 1929 (P.L.1513, No.451), entitled, as amended, "An act regulating the construction, equipment, maintenance, operation and inspection of boilers and unfired pressure vessels; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," defining "field inspection," "power boiler" and "process boiler"; and further providing for shop and field inspections.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1 of the act of May 2, 1929 (P.L.1513, No.451), referred to as the Boiler Regulation Law, is amended by adding clauses to read:

Section 1. Definitions.—Be it enacted, &c., As used in this act,

* * *

(10) "*Field inspection*" shall mean an internal/external inspection as defined by ANSI/NB 23.

(11) "*Power boiler*" shall mean a boiler in which steam or other vapor is generated at a pressure of more than fifteen psi.

(12) "*Process boiler*" shall mean any vessel in which steam is generated or superheated under pressure or vacuum for use external to itself by direct and/or indirect application of heat. The source of heat must be in part or whole from a process other than the boiler itself. In order to be classified as a process boiler, the boiler must be directly tied to another process other than the generation of steam.

* * *

Section 2. Section 4 of the act, amended December 22, 1959 (P.L.2007, No.733), is amended to read:

Section 4. *Shop Inspection*.—Every boiler or unfired pressure vessel, within the scope of this act, destined for use in this Commonwealth, shall be inspected during its construction, by an [inspector who shall have been commissioned by this Commonwealth to perform such service.] *individual who has a valid National Board of Boiler and Pressure Vessel Inspectors commission to perform such inspection*. Every such boiler or unfired pressure vessel which has been so inspected shall, upon completion, have placed upon it[, in the presence of the said inspector,] a stamp bearing a symbol and number authorized by the department for this purpose: Provided, That any boiler built prior to December 31, 1929, and any unfired pressure vessel built prior to June 1, 1938, and which have not been removed from the Commonwealth subsequent to such applicable date, shall not be required to

be shop inspected.

Section 3. Section 4.1 of the act, amended or added December 22, 1959 (P.L.2007, No.733) and March 18, 1970 (P.L.187, No.72), is amended to read:

Section 4.1. Field Inspection.—[(a) If a boiler or unfired pressure vessel is insured by a company, authorized to insure boilers in this Commonwealth, against loss from explosion, field inspection may be made by an inspector in the employ of such company in accordance with regulations and standards of the department, and the only fee collectible by the Commonwealth shall be the certificate fee of three dollars (\$3) hereinafter provided for in this act.

(b) If such boiler or unfired pressure vessel is not so insured, then such field inspection shall be made by an inspector in the employ of the department, and there shall be a fee charged for each inspection as hereinafter provided for in this act, except that in the case of a company operating unfired pressure vessels in this Commonwealth such vessels may be field-inspected by an inspector in the employ of such company provided:

(1) Such an inspector is a full-time employe of the company for the purpose of making inspections of unfired pressure vessels used or to be used by such company.

(2) The inspector has obtained a commission from the department as required by section 5 of this act.

(3) Such a company continuously maintains an engineering division.

(4) Such pressure vessels are involved in process operations of which a knowledge of the process is required by the inspector in addition to that of the construction of the vessels.

(5) Regular inspection reports are filed with the department on forms to be supplied by the department, and the only collectible fee shall be the certificate fee of three dollars (\$3) per vessel hereinafter provided for.

(c) Boilers, miniature boilers and unfired pressure vessels shall be inspected as required by the rules and regulations of the department, except that in no case shall regular inspections be required more than once in every twelve months. Such rules and regulations may classify boilers, miniature boilers and unfired pressure vessels by types and prescribe differing inspection frequencies and inspection requirements for each type.] *(a) If a boiler or unfired pressure vessel is insured by a company authorized to insure boilers or unfired pressure vessels in this Commonwealth, the owner may request that the insurance company assure that a field inspection is made by an inspector.*

(b) Boilers and/or unfired pressure vessels may be field inspected by an inspector in the employ of the owner if:

(1) the inspector is a full-time employe of the owner for the purpose of making inspections of boilers and/or unfired pressure vessels used or to be used by the owner;

(2) the inspector has obtained a commission from the department, as required under section 5 of the act;

(3) the owner continuously maintains an engineering division;

(4) the boilers and/or unfired pressure vessels are involved in process operations, of which a knowledge of the process, in addition to that of the construction of the vessels, is required by the inspector; and

(5) the owner files regular field inspection reports with the department, in a form approved by the department, and pays the certificate fee set by the department through regulation.

(c) If the owner does not assure that a field inspection is made by an inspector, the boiler or unfired pressure vessel shall be inspected by a department inspector. The owner shall be responsible to pay the department a fee for such inspection. If the owner fails to assure a field inspection, the owner shall be subject to appropriate enforcement action, as provided in this act.

(d) Regular field inspections shall be made as follows:

(1) Power boilers and process boilers shall be field inspected once every twelve months except as provided in subsections (e) and (f).

(2) Low pressure steam vapor, hot water heating and hot water supply boilers shall be field inspected every two years.

(3) Unfired pressure vessels shall be inspected every three years.

(4) The department, by regulation, may adopt different inspection frequencies for specific classifications of boilers, miniature boilers and unfired pressure vessels.

(e) Power boiler internal inspections may be extended to twenty-four months, if the following requirements are met:

(1) Continuous boiler water treatment under the direct supervision of persons trained and experienced in water treatment for the purpose of controlling and limiting corrosion and deposits.

(2) Recordkeeping available for review showing:

(i) The date and time the boiler is out of service and the reason therefore.

(ii) Daily analysis of water samples that adequately show the conditions of the water and any elements or characteristics which are capable of producing corrosion or other deterioration to the boiler or its parts.

(3) Annual external inspections are performed by a Commonwealth commissioned inspector, which shall include a review of items under clauses (1) and (2).

(4) The boiler is operated under direct supervision of persons competent in all aspects of boiler operations.

(5) Inspection records demonstrate that no significant scaling, corrosion, erosion or overheating has occurred.

(f) Process boiler internal inspections may be extended to sixty months, if:

(1) Conditions under clause (1), subclauses (i) and (ii) of clause (2) and

clauses (3) and (5) of subsection (e) are met.

(2) The boiler is in continuous operation and is fully attended.

(g) The department may, upon the request of the owner, user or insurer of the boiler or unfired pressure vessel, alter the inspection schedule for a period of not more than six months.

(h) The department upon written notification to the owner may limit issuance of the certificate of operation based on conditions reported by a department inspector.

(i) Holders of current certificates of operation for process boilers or power boilers may apply for extension of their certificates by a written request to the department. Such request must include an assurance that all new requirements specified in this act are being met. The department may, at its option, carry out any necessary inspections to verify the accuracy of this assurance.

Section 4. This act shall take effect immediately.

APPROVED—The 12th day of May, A.D. 1993.

ROBERT P. CASEY