



The Commonwealth of Massachusetts  
 Executive Office of Public Safety and Security  
 Board of Fire Prevention Regulations

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**Notice of Public Hearing  
 Board of Fire Prevention Regulations**

Pursuant to M.G.L. c.30A, s. 2; c.22D, s. 4 and c.148, s. 10, notice is given of a public hearing to be held by the Board of Fire Prevention Regulations (BFPR), at the Department of Fire Services, State Road, Stow, MA., in the Boards and Commissions Room on Thursday, September 19, 2019, at 10:00 a.m. for the purpose of hearing public comments on proposed amendments to the Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.00. The proposals include amendments to existing provisions regarding code administration, code definitions, general safety requirements, fire department access and welding, cutting and other hot works programs. The proposals also include new regulations pertaining to marijuana growing, processing and extracting facilities, on-demand mobile refueling and energy storage systems. Finally, the amendments include minor edits and/or corrections to increase clarity and usability of the existing code. A copy of the proposed amendment package in its entirety can be found at: [https://www.mass.gov/files/documents/2019/07/22/20190718\\_BFPR\\_AmendmentPackage\\_VotedForPromulgation\\_0.pdf](https://www.mass.gov/files/documents/2019/07/22/20190718_BFPR_AmendmentPackage_VotedForPromulgation_0.pdf) - Written or oral comments may be submitted at the time and place of the hearing. One may also submit written comments by mailing or e-mailing comments to Glenn Rooney, Counsel to the Board of Fire Prevention Regulations (Glenn.Rooney@mass.gov) P.O. Box 1025, State Rd, Stow, MA. 01775 (Tel. 978-567-3183). To be considered by the Board, mailed or emailed comments must be received no later than 4:00 p.m., September 18, 2019.

**Small Business Impact Statement**  
*(As required by M.G.L. c. 30A §§ 2, 3 & 5)*

**CMR No: 527 CMR 1.00, Massachusetts Comprehensive Fire Safety Code: Amendment and Updates,**  
*Commonwealth of Massachusetts, Board of Fire Prevention Regulations*

**Estimate of the Number of Small Businesses Impacted by the Regulation:**  
 The Massachusetts Fire Safety Code is applicable to all operations, conditions, activities, structures and installations within its broad scope. The code requirements, for cost analysis purposes, do not impact, focus or target any industry, business or group in particular, since the scope of the regulation applies to all such operations, conditions, activities, structures, and installations within its broad scope. Effective 1-1-15, the Board of Fire Prevention Regulations (BFPR) adopted the National Fire Prevention Association’s (“NFPA”) Model Fire Code, NFPA-1 (2012 Edition), with amendments unique to Massachusetts. This amendment package, in large part, merely updates the current fire code in the areas of code administration, code definitions, general safety requirements, fire department access, welding cutting and other hot works, and refueling and adopts two new chapters from the 2018 Edition of the National Fire Prevention Association’s (NFPA) Model Fire Code, NFPA-1 (2018) Edition), with amendments unique to Massachusetts. The two new chapters regulated are: marijuana growing, processing and extraction facilities and energy storage systems. In addition, the amendment package provides additional technical detail or otherwise relates to format, correction or clarity. Board staff has identified two new proposed requirements that impact small businesses: The first, 527 CMR 1.12.8.32, Permit requirements for energy storage systems and 1.13.12, Certificate of Registration for on-demand mobile refueling. To the Board’s knowledge there is a limited use group in Massachusetts that conducts on-demand mobile refueling and would be subject to the regulation. However, it is anticipated that there may be a small increase in the service providers who engage in the regulated activity as the technology gains in popularity as it has throughout the United States. In regards to energy storage systems, since the universe of such facilities and persons who conduct the regulated activity is very broad and diverse, BFPR staff cannot give a reliable estimate as to the number of facilities, persons and industries impacted by this amendment.

**Select Yes or No and Briefly Explain**

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? Proper record keeping, to assure ongoing maintenance of systems within the scope of the fire code is a crucial requirement employed by maintenance and compliance methodologies. Therefore requirements regarding record keeping are already in the current version of 527 CMR 1.00 and, as such, are already applicable to existing facilities or activities, including those operated and conducted by small businesses. Records for on-demand fueling will require the following to obtain a Certificate of Registration: completed application, evidence of valid liability insurance, notarized statements attesting to compliance and understanding of applicable statutes and regulations and a copy of a general safety and emergency response plan. In regards to energy storage systems that exceed certain capacities, this will require application to obtain a permit to engage in energy storage operations.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? This regulation does not require state recordkeeping but does allow for the local authority having jurisdiction to require additional records as a condition of local permitting.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No new or additional requirements for the proposed amendments.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No new or additional requirements for the proposed amendments.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No new or additional requirements for the proposed amendments.

<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>	<p>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? With respect to existing occupancies or activities, the proposed amendments require ongoing maintenance of equipment, systems or construction requirements that prevent or protect against fire/explosion. In general, if such equipment, systems or construction was completed prior to the effective date of proposal said equipment, systems or construction shall be deemed in compliance if it was accomplished in accordance with the applicable code in effect at the time it was “approved” by the Authority Having Jurisdiction. With respect to the limited subject areas that this code solely regulates with respect to construction, equipment or systems, Board staff is unable to identify any provisions that require small business to purchase a product or any capital investments, above or beyond any other already existing industry standard, acceptable equipment standard or other applicable requirement already in effect</p>
<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>	<p>Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) In some instances, due to the size and characteristics of the building, performance standards may be more appropriate. The proposed amendments allow for the use of optional, performance-based standards in appropriate situations as described in Chapter 5 of the Code. It is selected as an option by the building owner.</p>
<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>	<p>Do any other regulations duplicate or conflict with the proposed regulation? Many fire prevention and safety considerations are also an integral aspect of State Building Code (780 CMR) for building construction and installation methods and are also within the scope of such other “specialized codes”, including: plumbing, pipefitting, HVAC, electrical and other specialized codes. However, the BFPR during the 527 CMR 1.00 drafting process and as part of the BCCC (Building Code Coordination Council established pursuant to E.O. 518) review process, eliminated any unnecessary duplication or conflict.</p>
<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<p>Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? Yes: 527 CMR 1.12.8.32 and 527 CMR 1.13.12, as described above.</p>
<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? These amendments add no new or additional educational requirements.</p>
<p>Yes <input type="checkbox"/></p>	<p>No <input checked="" type="checkbox"/></p>	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? Staff estimates that these amendments will not discourage the formation of small business in the Commonwealth.</p>
<p>Yes <input checked="" type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? The BFPR’s proposed amendments to update the 2015 Edition, with modifications unique to Massachusetts, should result in an improved, more comprehensive fire safety code that uses updated and improved “consensus” standards which are recognized and accepted throughout the nation and familiar to businesses that want to move to or grow in the Commonwealth. Such adoption should ease code use and foster economic growth while advancing public safety.</p>

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? Yes, in part. The requirement that individuals retrain every twelve months (ongoing training) to engage in hot works has been removed. The requirement for a permit for transporting combustible liquids in cargo tanks, portable tanks or transfer tanks has been removed, as inspection is already required under federal DOT regulations.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? This proposal contains minimum consensus standards, schedules and deadlines.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The proposal is neutral in this regard.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? In some instances, the regulation does allow for a performance-based option (Chapter 5). This allows owners/operators of facilities, under certain circumstances, to elect to employ a performance based option and the flexibility to deviate from design or operation standards with the approval and coordination with the AHJ (Authority Having Jurisdiction).
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? This proposal, in large part, represents a national, minimum, consensus standard. The impact on small business is minimal, as explained throughout this submission.