



STATE OF TENNESSEE  
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
BOARD OF BOILER RULES  
220 FRENCH LANDING DRIVE  
NASHVILLE, TENNESSEE 37243  
(615) 741-2123

## MINUTES

**QUARTERLY MEETING OF THE STATE OF TENNESSEE  
BOARD OF BOILER RULES, 9:00 A.M. (CST), SEPTEMBER 2, 2009  
TOSHA CONFERENCE ROOM - 1ST FLOOR  
220 FRENCH LANDING DRIVE  
NASHVILLE, TENNESSEE**

- I. CALL TO ORDER - (1) - Chairman Lunn called the meeting to order.
- II. INTRODUCTIONS AND ANNOUNCEMENTS - (2) - Board members present: Eddie Lunn; Dr. Domenic Canonico; Dr. Glen Johnson; Eugene Robinson; and Brian Morelock. Department of Labor & Workforce Development employees in attendance: Gary W. Cookston; Sydné Ewell; Audrey Eslie Rogers; Deborah Rhone; and Carolyn Sherrod. Guests present: Blake Neville and Bob Shipley.  
  
(55) - Assistant Administrator Cookston announced that in the event of a natural disaster or emergency, building security personnel would direct attendees to a safe place inside the building or ask them to evacuate to the parking lot toward the Rosa Parks side of the building.
- III. CONFLICT OF INTEREST REPORTS - (17) - Conflict of interest statements were completed by Board members. Chairman Lunn asked Board members to verbally disclose conflict of interest with agenda items prior to discussion.
- IV. ADOPTION OF THE AGENDA - (21) - Chairman Lunn announced that agenda item 09-11 would not be heard. Gary Cookston said that since the last meeting, he and (Interim) Chief Rogers had met with Mr. Shipkowski to discuss the potential vulnerability of industrial boilers. Mr. Shipkowski said the information presented was new to him and that he would check with National Homeland Security for their analysis. Their analysis or recommendation has not been received so Mr. Shipkowski asked to be put on the December agenda. Dr. Johnson made a motion to adopt the agenda as modified. Brian Morelock seconded the motion. The vote was taken and carried.

- V. APPROVAL OF THE JUNE 16, 2009 MEETING MINUTES - (73)** - Chairman Lunn stated that the minutes for Item 09-09 indicated that Eemax Inc. should request a Board case or interpretation. Chairman Lunn asked (Interim) Chief Rogers if they had made such a request and he replied that they had not. Chairman Lunn also pointed out that the minutes should consistently refer to Chief Rogers as "Interim".

Dr. Canonico asked if Riviana Foods, agenda item 09-07, who was given contingent approval for the installation of a boiler system had done so. (Interim) Chief Rogers said he had not had any contact with the Company since the last meeting. At the June meeting, the Company informed the Board of its intention to start up in September. Mr. Morelock felt the contingent approval would carry the Company until (Interim) Chief Rogers was contacted for an inspection. (Interim) Chief Rogers said he was waiting until the Company applied for permits and inspections through his office, or until the next certificate renewal the next regular inspection of the plant. Brian Morelock made a motion to approve the June 16, 2009 minutes. Dr. Canonico seconded the motion. The vote was taken and carried.

- VI. (INTERIM) CHIEF'S REPORT - (145)** -Interim Chief Rogers' report covered the period from January to March of 2009.

- Nine-thousand nine-hundred fifty-six (9,956) combined inspections.
- Two-thousand six-hundred thirty-two (2,632) combined delinquents which is approximately 1.7%.
- One-hundred fourteen (114) violations found / Fourteen (14) uncorrected code violations.
- Four (4) quality control reviews performed.
- Five (5) boiler variance inspections performed.
- Four (4) individuals sitting for the National Board Commission examination and one (1) sitting for an "A" Endorsement on September 2nd and 3rd.

- VII. OLD BUSINESS - (169) - NONE**

**VIII. NEW BUSINESS**

Item 09-11 - (21) - Rick Shipkowski, Deputy Director, State of Tennessee, Office of Homeland Security to discuss potential vulnerability of industrial boilers due to lack of security access requirements for internet connected computer monitoring systems. This agenda item was tabled until the December 2, 2009 meeting.

Item 09-12 - (176) - Review a request and documentation from Nutro Products, Inc., 920 Arctic Drive, Lebanon, Tennessee, for a variance to Boiler Attendant Rule, Paragraph 0800-03-03-.04(22). Chairman Lunn verbally expressed a conflict of interest with this agenda item. Blake Neville presented this item to the

Board. MARS North America is one of the world's leading food, snack and pet care operations. Headquartered in Mount Olive, N.J., MARS North America employs more than fifteen-thousand (15,000) associates in the United States with fifty-one (51) facilities nationwide. MARS North America has acquired Nutro Products, Inc. who was issued a boiler variance in 1993. Revisions are being submitted upgrading it to today's technology. The Nutro Products facility is located in Lebanon, Tennessee and employs about one-hundred thirty (130) people. Nutro Products was formerly a major producer of pet food. They operate two (2) high pressure boilers twenty-four (24) hours per day, seven (7) days per week, three-hundred and sixty-five (365) days per year and the steam is used for space heating and process. Dr. Canonico asked why the word "enunciate" was used throughout the manual. He looked the word up and it means "to announce or proclaim" and he wondered why such an ancient term was used. Mr. Morelock viewed it as the alarm alerting the remote station that there is a problem. Dr. Johnson said it was often used in manuals submitted for review and the word seemed commonly used in the boiler business. Mr. Morelock asked if the Board would like the manual to give the specific distance from the boiler room to the remote station since there isn't one listed. The site plan is to scale so it can be determined but wondered if the specific distance should be listed. Dr. Johnson felt it would make the information more accessible to the casual reader if it were specifically stated. The Board thought it would be helpful but did not specifically require it be shown. Dr. Canonico noted that on the site plan there are two (2) items at the center top in blue which looks like hydrogen tanks. Mr. Neville said they were tractor trailers. A motion was made by Dr. Canonico to approve the variance request. Brian Morelock seconded the motion. The vote was taken and carried with Chairman Lunn abstaining.

- IX.** RULE CASES & INTERPRETATIONS - (308) - There were no rule cases and interpretations.
- X.** (311) - Four (4) applicants sat for the National Board Commission examination on September 2nd and 3rd and one person sat for their "A" Endorsement.
- XI.** (317) - The next Board of Boiler Rules meeting is scheduled for 9:00 a.m. (CST), December 2, 2009 in the Tennessee Room located on the 1st Floor of the Department of Labor & Workforce Development office building located at 220 French Landing Drive, Nashville, Tennessee.
- XII.** ADJOURNMENT - (336) - A motion was made by Dr. Johnson to adjourn. Dr. Canonico seconded the motion. The vote was taken and carried with the meeting adjourning at 9:22 a.m.