

# The Chapter 146 Association



[www.MA146.com](http://www.MA146.com)

*PO Box 550 Pembroke, MA 02359*

February 11, 2017

**Dear Massachusetts Department of Public Safety Licensee,**

Your license and career are under the most dangerous attack we as industry professionals have seen in our twenty plus years of protecting it and you immediate attention and action is required.

Governor Charlie Baker has introduced an Article 87, a heavy-handed executive action known as House Bill 68 "An Act to Reorganize the Department of Public Safety". This Act will eliminate the Department of Public Safety (DPS) and pave the way for the elimination of your license as spelled out in the "Kawa Bill". This backdoor maneuver is an attempt to deny due process and full participation from you and your elected representatives. If we don't act fast, you can kiss your license goodbye.

Unlike past attacks on our licenses, Article 87 of the Amendments to the Massachusetts Constitution provides a particularly sneaky, dangerous, and powerful way for the opponents of the license law to deny you the full protection of the legislative process. Article 87 specifically eliminates all legislative debate as well as opportunities for revisions and amendments etc., and has extremely limited opportunities for public comment and participation.

We, the Chapter 146 Association, would not be asking for your immediate action, attention, and assistance if we did not believe that it was truly needed to protect our licenses. Like Paul Revere, who warned the colonists that the British were coming, we are telling you, we are under attack and if we don't quickly work together to defeat this, we may be our state's last generation of steam fireman and stationary engineers. Like the Patriotic Minutemen who heard the call and came together to fight, we believe that you will join us to defeat this proposed plan.

**This is what we need you to do to protect your license and the citizens of the Commonwealths Public Safety.**

- Have yourself and as many co-workers, friends, neighbors and relatives as possible sign the enclosed petition (it can be anyone you know, be it a friend, neighbor and/or an acquaintance for that matter).
- Contact your State Representative and Senator or within the district at which you are employed and explain to them that you are against H.68 Governor Charlie Baker's Article 87 action "An Act to Reorganize the Department of Public Safety".
- Attend the Joint Committee on State Administration and Regulatory Oversight public hearing and share your concerns with them. A free Chapter 146 Association tee shirt and additional (1) year membership will be given to all that attend. The hearing date has not been set, but it will be announced very soon so check [www.ma146.com](http://www.ma146.com) daily.

- Have anyone you know contact the Joint Committee on State Administration and Regulatory Oversight at (617) 722-1410 and tell them you oppose H.68 Governor Charlie Baker’s Article 87 action “An Act to Reorganize the Department of Public Safety” as it affects the livelihood of you, a relative and/or a friend and reduces public safety, weakens existing state laws, will cost even more money to run by creating duplication and will reduce oversight of existing laws by separating the inspectors across (3) three different agencies – Department of Professional Licensure, Office of Public Safety and Department of Fire Services.
- Email your coworkers a copy of this letter, the petition and a membership application. Post copies of these at your job. Then follow-up with your contacts to remind them to sign the petition and send it to us.
- Visit our website <http://ma146.com> daily to find the hearing date, time and location which will be published once scheduled.

We must work together if we want to protect our jobs due to the fact that Article 87 actions quickly become law, and we have extremely limited opportunities to have our voices heard by the legislators. This power-play has very strict and short deadlines built into it, with the main idea being that our opponents don’t expect us to be able to respond quick enough to prevent it.

If this Act is not voted down by either the House or the Senate it will automatically, and very quickly, become law. Governor Baker introduced H.68 “An Act to Reorganize the Department of Public Safety” on January 25 and by law a public hearing must be held within thirty days of its filing, which is no later than February 24. Unless you join with us to stop it, this act will automatically become law, by no later than 60 days after it was filed, which is March 26.

**We have included a timeline below that explains what has recently occurred.**

The Chapter 146 Association met on September 29, 2016, and held an annual meeting and election. The Association discussed damaging legislation drafted by Chief of Inspections, Edward S. Kawa Jr. of the Massachusetts Department of Public Safety (DPS).

In October, 2016 The Chapter 146 Association made several public records requests to the Department of Public Safety related to this dangerous legislation known commonly as the “Kawa Bill” and on November 2, 2016, The Chapter 146 Association went live with a new website – [www.ma146.com](http://www.ma146.com), where you can now join or renew your membership online and review important news and information related to The Chapter 146 Association including the responses to our public record requests.

The Chapter 146 Association’s position on the proposed legislation was that these changes would not be in the best interest of Public Safety, Stationary Firemen & Engineers, our industry or The Department of Public Safety. In December, 2016, the Association met with the Department of Public Safety and the Executive Office of Public Safety and Security to voice our concerns and effectively tabled the proposed legislation.

In January we were submitting our written comment opposing the proposed legislation however, on January 26, 2017, Governor Charlie Baker in coordination with the Executive Office of Public Safety and Security and the Department of Consumer Affairs drafted an Article 87 Act to eliminate the DPS and move inspectors and their responsibilities to the Department of Professional Licensure and the Department of Fire Services.

On February 1, 2017, DPS Chief of Inspections Edward S. Kawa Jr. met with the The Chapter 146 Association and outlined the changes in the Governor’s Article 87, an order in which DPS will be no longer and all of the Building Inspectors, Elevator Inspectors and (4) four District Engineering Inspector’s will move to the Department of

Professional Licensure and (12) twelve District Engineering Inspectors and the Chief of Inspections will move to Department of Fire Services.

For the (4) four District Engineering Inspectors that move to the Department of Professional Licensure, their mission and focus will be on Pipe Fitting, Hoisting, Refrigeration, Horse & Carriage, Amusements and examinations and enforcement of such. Remember less inspector's means larger districts with much less oversight, enforcement and fines for unlicensed individuals and companies.

The (12) twelve District Engineering Inspectors and Chief of Inspections that move to the Department of Fire Services in Stowe, MA, will only focus on pressure vessel inspections with an emphasis of policing the private insurance industries inspections. Stationary Engineering examinations will continue to be performed by the District Engineering Inspectors (for now). These examinations will now take place in Stowe, MA at the DFS campus. Remember less inspector's means larger districts with less oversight and enforcement protecting you and the citizens of the Commonwealth.

Chief Ed Kawa's vision, unfortunately, remains the same. That is to reintroduce the "Kawa Bill" under a new and weakened Department where the divided will be conquered.

After discussing the Governor's proposed Article 87 officially with the Chief of Inspections and unofficially with state inspectors and industry representatives, the Chapter 146 Association believes the obvious intent behind the Governor's action is to separate the District Engineering Inspectors, outsource most of the Department of Public Safety's District Engineering Inspector's work to private companies while still collecting fees associated with certifications, give the "State Fire Marshall" the ability to give variances to High Pressure Boiler attendance, license classification reductions and weaken the laws which we have fought so hard to protect and therefore we are in opposition to this change.

The Chapter 146 Association opposes both the Chief of Inspections proposed legislation and Governor Baker's reorganization and now the DPS Chief of Inspections Edward S. Kawa Jr. has stated that we are not recognized as stake-holders and will not be contacted regarding any changes to laws or regulations. We as thousands of licensed individuals are now not recognized and will not be contacted by the Department of Public Safety yet big business and the insurance companies will be?

This attack against the Department of Public Safety is not unprecedented. In 2004 Governor Romney tried this with House Bill 1, and again in another House Bill in 2007. Governor Baker's tactic is different and we will have a very hard time trying to oppose this.

H.68 has been sent to a Joint Committee of the House and Senate, the Joint Committee on State Administration and Regulatory Oversight, and again, they must hold a public hearing by February 24.

It extremely important that we have a strong showing at this hearing and that we present the committee members with tons of petitions. That is why it is so important that you get as many people as possible to sign our petition.

The Committee must by law report that it approves or disapproves of the plan within 10 days of the public hearing. We must be able to convince the committee to disapprove this Act and the committee must quickly bring it to a full vote in the House and/or Senate. If neither a majority of the House or Senate votes against this Act, it will automatically become law on March 26.

Our timeline is extremely tight and we need you as a Massachusetts Department of Public Safety licensee to oppose this by having friends and families sign our petition and also contact the Joint Committee on State Administration and Regulatory Oversight at (617) 722-1410. Tell them you oppose this Act as it affects the livelihood of you or a loved one and reduces the citizens of the Commonwealth's public safety!

We will try to keep you informed as best we can by letters, email and our website, but you **MUST** be involved to prevent this Act from becoming law. Please go to our new website, [www.ma146.com](http://www.ma146.com), to sign up, renew and get informed.

We ask that you please join our cause and continue to protect and preserve M.G.L. Chapter 146, ensuring Public Safety by maintaining a strong license law. Remember that famous quote from Benjamin Franklin "We must, indeed, all hang together or, most assuredly, we shall all hang separately." This still holds true today. If we complacently sit around thinking the other guy will take care of it and don't band together, we as industry professionals will hang separately while our license laws will slowly vanish.

Please visit our new website [www.ma146.com](http://www.ma146.com) to review bulleted changes that affect you as an individual licensed by the current Department of Public Safety. This proposed Article 87, H.68, is a serious threat to every licensed Stationary Fireman & Engineer and should be treated as such! These changes will have irreversible consequences to all of us from boiler operators in production plants to plant managers in power plants and will be the beginning of the end of the Massachusetts license laws.

The Chapter 146 Association will be holding open meetings in the upcoming weeks at various locations to discuss this Article 87 and the previously proposed legislation and its effects on Public Safety, our licenses, the Department of Public Safety and the economy. We ask that you make every attempt to attend one of these upcoming meetings and bring a co-worker or friend.

Please visit our website daily to find out when the public hearing will be held at the State House, this should take place within the next 10-15 days.

We ask that you please make every attempt to attend this meeting! Call in sick, take a vacation day or swap shifts if you must but having a huge turnout is only way we will show the committee that they shouldn't vote favorably for this Act. This is the most important thing in your life right now, and you just may not know it! This is your livelihood we're protecting, and this attack will directly affect your ability to support your family. The time has come to unite, regardless of where you work and fight for your trade, your wages, your license and the safety of the citizens of the Commonwealth!

We hope that you will join our cause to help us defend ourselves, the Inspectors, the Department, our licenses and most importantly the citizens of the Commonwealth's Public Safety from destroying the first Department in U.S. history to develop construction codes and inspect Boilers and Pressure Vessels.

Respectfully,

**The Chapter 146 Association**

**Jim Turcotte – President**

**John Patrick Rogers – Vice President**

**David Trieb – Treasurer**

**Jason Robertson – Secretary**

**Chris Marcella – Board Member**

**Keith Gott – Board Member**

**Todd Davis – Board Member**

**John Gleason – Board Member**