

EXHIBIT 5  
DATE 1-20-05  
HB 248

REMARKS OF  
PAUL BRENNAN  
DIRECTOR OF PUBLIC AFFAIRS  
JANUARY 20, 2005

MY NAME IS PAUL BRENNAN. I AM DIRECTOR OF PUBLIC AFFAIRS FOR THE NATIONAL BOARD OF BOILER AND PRESSURE VESSEL INSPECTORS HEADQUARTERED IN COLUMBUS, OHIO. PERMIT ME TO PUBLICLY THANK THE HOUSE BUSINESS AND LABOR COMMITTEE AND THE STATE OF MONTANA FOR THE OPPORTUNITY TO ADDRESS AN ISSUE THAT COULD HAVE A PROFOUND EFFECT ON BOILER SAFETY -- AND CONSEQUENTLY THE WELL-BEING OF MONTANA CITIZENS.

THE  
NATIONAL  
BOARD

OF BOILER AND  
PRESSURE VESSEL  
INSPECTORS

DONALD E. TANNER,  
EXECUTIVE DIRECTOR

AS YOU MAY KNOW, THE NATIONAL BOARD IS COMPRISED OF GOVERNMENT OFFICIALS FROM ACROSS NORTH AMERICA WHO ARE RESPONSIBLE FOR THE ADMINISTRATION AND ENFORCEMENT OF THEIR JURISDICTIONS' RESPECTIVE BOILER AND PRESSURE VESSEL LAWS. IN THIS CAPACITY, WE HAVE FIRSTHAND KNOWLEDGE OF NOT ONLY THE REGULATORY PROCESS, BUT ALSO WHAT IS NECESSARY TO EXECUTE AN EFFECTIVE SAFETY PROGRAM.

HAVING REVIEWED HB 248 -- THE PROPOSED INITIATIVE TO ELIMINATE BOILER OPERATOR LICENSING AND INSPECTION OF LOW-PRESSURE STEAM-HEATING BOILERS AND HOT WATER-HEATING AND SUPPLY BOILERS -- IT IS OUR OPINION THAT SUCH A PLAN WOULD PLACE MONTANA RESIDENTS AND YOUR CONSIDERABLE TOURIST INDUSTRY AT GREAT RISK.

MONTANA HAS BEEN INSPECTING BOILERS FOR 110 YEARS. YOUR BOILER LAW IS ONE OF THE OLDEST IN NORTH AMERICA. MORE IMPORTANT, MONTANA BOASTS A SAFETY RECORD THAT EACH AND EVERY PERSON IN THIS ROOM CAN BE PROUD OF.

WHILE ELIMINATING INSPECTIONS OF BOILERS FOUND IN ALMOST EVERY BUILDING IN MONTANA IS FRIGHTENING, ABANDONING THE LICENCING OF BOILER OPERATORS -- FROM THE NATIONAL BOARD'S PERSPECTIVE -- IS PARTICULARLY DISTURBING.

WHO AMONG YOU WOULD WANT HIS OR HER CHILD ATTENDING A SCHOOL WHERE THE BOILER OPERATOR HAD NO WORKING KNOWLEDGE OF A BOILER THAT COULD LITERALLY DESTROY WALLS AND SHRED EVERYTHING WITHIN A 200-FOOT RADIUS? IF NOT PROPERLY MAINTAINED AND OPERATED, BOILERS CAN KILL. ADULTS AND CHILDREN. THAT SCENARIO, I AM SAD TO NOTE, HAS BEEN PLAYED OUT MORE OFTEN THAN WE AT THE NATIONAL BOARD CARE TO PUBLICIZE. IN 1980, A CAST-IRON, LOW-PRESSURE HEATING BOILER EXPLODED KILLING FOUR CHILDREN AND ONE ADULT. SEVEN OTHER CHILDREN WERE SERIOUSLY INJURED. THAT TRAGIC EVENT RESULTED IN GEORGIA PASSING ITS VERY FIRST BOILER AND PRESSURE VESSEL LAW IN 1984.

A TEN-YEAR REPORT COMPLETED BY THE NATIONAL BOARD IN 2002 REVEALED THAT THE NUMBER ONE CAUSE OF MORE THAN 20,000 BOILER ACCIDENTS FROM 1992 TO 2001 WAS HUMAN ERROR. TO BE MORE PRECISE, HUMAN ERROR CAUSED NEARLY 80 PERCENT OF THOSE ACCIDENTS. OF THE 8 BOILER DEATHS REPORTED IN 2001, 7 WERE CAUSED BY OPERATOR ERROR. OF THE 127 DEATHS DOCUMENTED IN OUR REPORT, IT IS IRONIC TO NOTE THAT APPROXIMATELY 90 PERCENT WERE EITHER BOILER OWNERS OR OPERATORS.

IT HAS BEEN THE POSITION OF THE NATIONAL BOARD THAT *EVERYONE* -- I REPEAT, *EVERYONE* -- WHO WORKS ON AND AROUND BOILERS *MUST POSSESS THE ESSENTIAL KNOWLEDGE TO PROTECT THEMSELVES AS WELL AS THOSE AROUND THEM*. WHEN IT COMES TO THIS TYPE OF POTENTIALLY DANGEROUS EQUIPMENT, THERE IS NO REPLACEMENT FOR TRAINING AND EXPERIENCE. AND YET, HB 248 SEEKS TO REQUIRE NO SPECIAL OPERATOR ABILITY SAVE PERHAPS THE CAPACITY TO PHYSICALLY LOCATE THE BOILER ROOM.



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AS FOR THE INSPECTION EXEMPTIONS PROPOSED FOR STEAM-HEATING BOILERS, AND HOT WATER-HEATING AND SUPPLY BOILERS: WE IMPORE YOU TO PROCEED WITH EXTREME CAUTION. THIS EQUIPMENT IS FOUND IN JUST ABOUT EVERY SCHOOL, RESTAURANT, HOTEL, RETAIL STORE, DAY CARE CENTER, CHURCH, AND NURSING HOME, AND IN JUST ABOUT EVERY PUBLIC OR PRIVATE GATHERING PLACE IN MONTANA - AND QUITE POSSIBLY THE BUILDING WHERE WE ARE NOW ASSEMBLED.

ACCORDING TO OUR 2002 STUDY, STEAM-HEATING AND WATER-HEATING BOILERS COMPRISED THE LARGEST NUMBER OF INCIDENTS OVER THE TEN-YEAR REPORTING PERIOD AND FAR OUTDISTANCED THE POWER BOILER CATEGORY. DURING THIS TIME, STEAM-HEATING BOILERS ACCOUNTED FOR OVER 9,500 INCIDENTS FOLLOWED BY WATER-HEATING BOILERS WITH NEARLY 7,000 ACCIDENTS. THERE WERE 4,300 POWER BOILER INCIDENTS.

TO RELINQUISH THE STATE'S OVERSIGHT COVERING LOW PRESSURE BOILERS IS TO GIVE IN TO SPECIAL INTERESTS WHO MAY FIND THE INSPECTION PROCESS LESS THAN CONVENIENT OR PERHAPS, IN THEIR ESTIMATION, EXPENSIVE. GENERALLY SPEAKING, BOILERS ONLY BECOME EXPENSIVE WHEN THEY ARE ALLOWED TO DETERIORATE AND THE OWNER OR OPERATOR IS FORCED TO CATCH UP WITH NEEDED REPAIRS (AS IS OFTEN THE CASE WHEN THERE IS NO JURISDICTIONAL REGULATION). NOT MAKING THOSE REPAIRS IS COMPARABLE TO FOOLING AROUND WITH A LOADED GUN. WITHOUT INSPECTIONS, THAT IS WHAT YOU WILL BE GIVING THOSE WHO NO LONGER WISH TO KEEP UP BOILER MAINTENANCE AND REPAIRS: A LOADED GUN. PUT THAT LOADED GUN IN THE HANDS OF AN UNLICENCED OPERATOR AND A DANGEROUS SITUATION BECOMES UNSPEAKABLE.

FOR THOSE WHO THINK THAT THE IMPACT OF A LOW PRESSURE BOILER IS NOWHERE NEAR THAT OF A HIGH PRESSURE BOILER, I REMIND YOU THAT A LOW PRESSURE BOILER CAN BECOME A HIGH PRESSURE BOILER -- *IMMEDIATELY BEFORE IT EXPLODES.*

IF YOU THINK INSURANCE COMPANIES WILL REPLACE STATE INSPECTIONS, BE ADVISED THAT THE NATIONAL BOARD ESTIMATES THE NUMBER OF UNINSURED BOILERS IN ANY JURISDICTION TO BE BETWEEN 40 AND 50 PERCENT. IN A STATE COMPRISING 147,000 SQUARE MILES, THAT IS A LOT OF UNINSURED AND POTENTIALLY LETHAL EQUIPMENT.

AS NATIONAL BOARD EXECUTIVE DIRECTOR DONALD TANNER STATED IN HIS LETTER TO YOU: CONSIDERATION OF HB 248 MUST NOT BE TAKEN LIGHTLY. IT IS A DECISION THAT WILL HAVE LIFE-AND-DEATH IMPLICATIONS.

WITH ALL DUE RESPECT TO THE DISTINGUISHED MEMBERS OF THIS COMMITTEE, I WOULD LIKE TO BRIEFLY SHARE THE RESULTS OF A RANDOM PUBLIC SURVEY THE NATIONAL BOARD CONDUCTED LAST YEAR. IN THAT STUDY, IT WAS REVEALED THAT *90 PERCENT* OF THE 500 PEOPLE INTERVIEWED FELT IT WAS THE RESPONSIBILITY OF THE GENERAL ASSEMBLY AND GOVERNOR TO PROTECT THEIR SAFETY AND WELL-BEING.

AS EVIDENCED BY A LACK OF SIGNIFICANT INCIDENTS, THE PEOPLE OF MONTANA HAVE BEEN SERVED ADMIRABLY BY THEIR GENERAL ASSEMBLY AND THEIR BUILDING CODES BUREAU.

IT IS FOR THIS REASON THAT WE AT THE NATIONAL BOARD URGE THE COMMITTEE TO REJECT HB 248 AS A DANGEROUS AND UNNECESSARY MODIFICATION OF A TRIED-AND-TRUE SAFETY PROGRAM.

PLEASE REMEMBER: WHEN IT COMES TO BOILER SAFETY, *THERE ARE NO SECOND CHANCES.*

I THANK YOU FOR YOUR UNDIVIDED ATTENTION.