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STATE OF TENNESSEE  
BOARD OF BOILER RULES  
March 8, 2023  
Tennessee Department of Labor and Workforce Development  
TOSHA Room  
220 French Landing Drive  
Nashville, Tennessee 37243  
9:17 a.m. CST

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TRANSCRIPT OF PROCEEDINGS

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**Colleen Hansen, LCR, RPR, CSR**  
**Associate's Degree of Court Reporting**  
**555 Marriott Drive**  
**Nashville, Tennessee 37214**  
**(615) 595-0073**

1 APPEARANCES:

2 Brian Morelock, Chairman  
Owner-User Representative

3 David W. Baughman  
4 Owner/User Representative  
Allied Boiler & Supply, Inc.  
5 4006 River Lane  
Milton, Tennessee 37118

6 Micah Lashley, Board Member  
7 Insurance Representative

8 Tom Herrod, Assistant Commissioner with WRC

9 Dan Bailey, Esq., Legal Counsel  
Tennessee Department of Labor

10 Dewayne Scott, Deputy Commissioner  
11 Tennessee Department of Labor

12 Michele Irion, Boiler Board Secretary  
Tennessee Department of Labor

13 Kenneth Nealy, Assistant Administrator  
14 Tennessee Department of Labor

15 Philip Hickerson, Assistant Chief Boiler Inspector

16 Chris O'Guin, Chief Boiler Inspector

17 Scott May, Business Agent with Boilermakers Local 454

18 Marty Toth, ECS Consulting

19 Adam Oxford, Mersen Corporation

20 Michael O'Connor Sr., Mo's Mechanical

21 Bradley Holloway, Mo's Mechanical

22 Elijah McGlothen, Butler Snow

23 Mia-Lyn Wiley, Boiler Admin Staff Supervisor  
Tennessee Department of Labor

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**A G E N D A**

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- I. Call Meeting to Order
- II. Introductions and Announcements
- III. Adoption of Agenda
- IV. Approval of the January 19, 2023 Meeting Minutes
- V. Chief Boiler Inspector's Report
- VI. Variance Report
- VII. Old Business  
None
- VIII. New Business  
22-12 Mersen USA  
23-01 Wacker
- IX. Open Discussion Items  
None
- X. Announcement of Next Meeting  
June 21, 2023  
September 13, 2023  
December 13, 2023
- XI. Adjournment

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2

3 MR. MORELOCK: Well, good morning  
4 everybody. Thank you for attending our Tennessee  
5 Board of Boiler Rules meeting today. If you haven't  
6 signed in, there's a sign-in sheet on the back table.  
7 There's also some water back there, if you'd like  
8 something to drink.

9 And so I was thinking about our recent  
10 weather in Tennessee and we -- we go over it pretty  
11 much every time we have a meeting, but we've had some  
12 pretty severe weather. In the event that we would  
13 have something like that here, whether it be weather  
14 related or something else, we do have security folks  
15 that can help us to get to a safe place in the  
16 building or take us out onto the Rosa Parks side of  
17 the building.

18 And so it's easy to kind of take that for  
19 granted, but then when it really happens, if you've  
20 not had the practice, it's going to catch you off  
21 guard. So that was my safety moment this morning.

22 I would ask people to silence your cell  
23 phones while we're -- during our meeting so that we  
24 cannot interrupt anybody presenting or answering  
25 questions.

1                   And so with that said, I am going to have  
2 a time of introductions. So we are blessed to have a  
3 new board member. And so I'm going to let Scott --  
4 he's our -- he's our newest board member. And I'm  
5 going to let you introduce yourself, and then we'll  
6 go around and let everybody else.

7                   MR. MAY: My name's Scott May. I'm the  
8 business agent with the Boilermakers Local 454 in  
9 Chattanooga, Tennessee. I've been a boilermaker for  
10 going on -- in a few more days, 27 years. It's an  
11 honor to be on the board. Like I said, I'm a little  
12 lost, so I'll try to catch up and learn what's going  
13 on.

14                  MR. MORELOCK: We're glad to have you.  
15 I'm Brian Morelock. I'm Chairman of the  
16 Board.

17                  MR. BAUGHMAN: I'm Dave Baughman, board  
18 member with Allied Boiler and Supply at Murfreesboro.

19                  MR. LASHLEY: Michah Lashley, board  
20 members' insurance representative with Chubb  
21 Insurance.

22                  MR. HERROD: Tom Herrod, assistant  
23 commissioner with WRC.

24                  MR. BAILEY: Dan Bailey, legal counsel.

25                  MR. SCOTT: Dewayne Scott, Deputy

1 Commissioner for the Tennessee Department of Labor.

2 MS. IRION: Michele Irion, board  
3 secretary.

4 MR. NEALY: Kenneth Nealy, assistant  
5 administrator with WRC.

6 MR. HICKERSON: Philip Hickerson,  
7 assistant chief boiler inspector.

8 MR. O'GUIN: Chris O'Guin, Chief Boiler  
9 Inspector.

10 MR. MORELOCK: And then let's go with our  
11 visitors.

12 MS. IRION: You want to start, Marty?

13 MR. TOTH: Yeah. Marty Toth with ECS  
14 Consulting and Boisco Training Group.

15 MR. OXFORD: Adam Oxford with the Mersen  
16 Corporation.

17 MR. HOLLOWAY: Brad Holloway, Mo's  
18 Mechanical.

19 MR. O'CONNOR: Michael O'Connor, senior  
20 with Mo's Mechanical.

21 MS. WILEY: Mia-Lyn Wiley, boiler admin  
22 staff supervisor.

23 MR. MCGLOTHEN: Elijah McGlothen with  
24 Butler Snow.

25 MR. MORELOCK: Welcome everybody. The

1 next item that we have is adoption of our agenda.  
2 And so before we vote the agenda, I do have some  
3 changes. We are going to remove the Chief Boiler  
4 Inspector's Report. We're also going to remove the  
5 Variance Report for the reason of still gathering  
6 data. We've got a new system that's being  
7 implemented and so -- still in the data-collection  
8 phase of that. So that's the reason we're doing  
9 that.

10 And if you look at our new business item  
11 23-01 Wacker, they worked with the State of  
12 Tennessee, and they really thought they were going to  
13 have to bring a vessel to the board to be voted as a  
14 Tennessee Special; however, they've worked with a  
15 repair organization, and they have been able to put  
16 everything together to make a repair to that vessel  
17 as an MBIC approved repair. So we will remove Wacker  
18 from the -- from the agenda.

19 So with that said, is there any other  
20 corrections or changes to the agenda?

21 MS. IRION: The January meeting minutes  
22 were not ready, so we'll go ahead and just add those  
23 to our next meeting. We'll do the meeting minutes  
24 for this meeting and the meeting in January.

25 MR. MORELOCK: Okay. Thank you.

1 MS. IRION: Uh-huh.

2 MR. MORELOCK: Okay. Anything else?

3 (No response.)

4 MR. MORELOCK: All right. Hearing none,  
5 do I have a motion to accept the agenda as presented?

6 MR. LASHLEY: Motion.

7 MR. BAUGHMAN: Second.

8 MR. MORELOCK: Okay. Any more questions  
9 or comments?

10 All right. I'm going to call the  
11 question. All in favor, say "aye."

12 THE BOARD: Aye.

13 MR. MORELOCK: Opposed, abstentions?  
14 Nobody?

15 (No response.)

16 MR. MORELOCK: Okay. We have an agenda.  
17 I'm going to say that this is a rarity, so. So,  
18 Scott, for your first meeting, this is a gift. Okay?  
19 We'll take it -- we took it easy on you.

20 So anyway, moving on to our new business.  
21 And help me pronounce it, is it Mersen?

22 MR. TOTH: Uh-huh.

23 MR. MORELOCK: Okay. I've been  
24 butchering that. I'm going on record that I did  
25 that. I apologize. So we have item 22-12 Mersen USA



1 requests consideration for approval of a variance to  
2 boiler attendant requirements.

3 So, gentlemen, if you'll introduce  
4 yourselves.

5 And are there any conflicts with any of  
6 the board members?

7 (No response.)

8 MR. MORELOCK: Hearing none.

9 MR. TOTH: Thank you.

10 Mr. Chairman, Members of the Board, I  
11 guess, staff, my name is Marty Toth. I'm with ECS  
12 Consulting. It's my honor to be here to represent  
13 Mersen out of Columbia, Tennessee. To my left, we  
14 have Mr. Adam Oxford, who is the plant service  
15 manager here, also representing Mersen.

16 For those that have been around for a  
17 while, you may -- may be familiar with the Mersen  
18 location. It is the previous home to Union Carbide  
19 that for many years was located out of Columbia and  
20 also previously possessed a remote variance; however,  
21 that boiler has since been replaced.

22 And also, you will notice that in  
23 this variance, it's actually -- we're removing the  
24 remote station away from the guardshack even though  
25 there's a nice old panel that's still located in the

1 guardshack. I'm going to take it out and put it in  
2 the museum. But it's pretty neat. I can remember  
3 back during my days as an inspector and chief  
4 inspector visiting that location for reviewing their  
5 variance that they had to change, too. So it was  
6 kind of -- took me back a little bit whenever I went  
7 back to meet with Adam and the company to say, I've  
8 been here.

9 But with that said, there is a couple  
10 things that I'd like to point out to the members that  
11 you will see in -- in your manuals that maybe I can  
12 answer those questions now.

13 Number one in the check list, there's an  
14 oversight. It's indicated as a modification, and I  
15 can point out that -- that number, page number for  
16 you. And that is located -- it's going to be on Page  
17 30, where it asks the question if this is a new,  
18 modified or renewal. Since it is under a new name,  
19 new ownership, it's not a modification, it is  
20 actually a new issuance, and we're treating it as  
21 such.

22 The other omission that you will probably  
23 recognize is the job description's not listed. At  
24 the current time, Mersen is working on those job  
25 descriptions to integrate or to combine a couple of

1 the jobs that are listed, such as the bake -- or bake  
2 furnace operator and to bring those under one job  
3 description.

4 So how we're going to be handling that  
5 is, it's more of a rotational-type of operation where  
6 the control room will be manned by the same titled  
7 operator as those that are out operating the  
8 furnaces. It's just going to be rotational. One  
9 shift, they may be out in the plant, the other shift  
10 they will be in the control room, so on and so forth.

11 So we will -- are continuing to work on  
12 those with the HR department to get those finalized.  
13 We will have that information turned into the Chief  
14 and for distribution to the board members so you can  
15 update your manuals. And those job descriptions will  
16 be on site when the inspection is conducted.

17 Current time, the panel has been built.  
18 We are in the process of running the hardwire from  
19 the boiler room, as you can see on the site plan,  
20 which is located on Page 13, if you'd like to take a  
21 look. And so we'll be running that from the furnace  
22 control room to the boiler room, approximately 400  
23 feet away. And the installation of the panel will  
24 occur after that is done.

25 Mersen is operating a 500 horsepower

1 Cleaver-Brooks Firetube Boiler. The boiler was built  
2 in 2010, and it has a maximum allowed working  
3 pressure of 150 PSI, though we only operate that  
4 boiler at approximately 100 PSI. The plant is -- has  
5 the ability to operate 24 hours a day, 7 days a week  
6 as production calls for. We will have certified  
7 boiler attendants and remote attendants on site 24  
8 hours a day, 7 days a week as the boiler is in  
9 operation and the bearing is in effect.

10 Mersen is contracted with Boisco Training  
11 Group to develop both the remote attendant training  
12 and also the boiler attendant training for their  
13 staff. It's -- it's good to hear that we have  
14 some -- some new personnel coming on board for those  
15 in the industry, especially here in the Department of  
16 Labor, to understand the difficulty. And I know  
17 Scott probably definitely understands it in his line  
18 of work of finding individuals. So -- so it's good  
19 we're going to be getting some people in and getting  
20 those people trained.

21 Mersen has taken every effort to go above  
22 and beyond in regards to safety. Up until  
23 this point -- or to this point and on, we've been  
24 following the requirements of, initially, the  
25 20-minute rule. Now we've been able to go to the

1 60-minute rule, since the State has changed that  
2 requirement.

3 So with -- with all that, we open it up  
4 for any questions that you may have for myself or  
5 Mr. Oxford.

6 MR. MORELOCK: Do I have a motion to  
7 discuss?

8 MR. LASHLEY: Motion.

9 MR. BAUGHMAN: Second.

10 MR. MORELOCK: What questions does the  
11 board have of this proposed variance?

12 MR. BAUGHMAN: Marty and Adam, both of  
13 you, when do you expect this to be completed and  
14 ready?

15 MR. TOTH: For the variance -- or well,  
16 the installation of the panel, as per labor, getting  
17 that in, the training, we hope to have that within  
18 the next two months. And at that point, we'll  
19 communicate with the Boiler Unit and the Chief  
20 Inspector and have them put us on their schedule.

21 MR. BAUGHMAN: The Boisco Training Group  
22 is doing the training and so forth within this?

23 MR. TOTH: Uh-huh.

24 MR. BAUGHMAN: So my question comes -- so  
25 you train, qualify, and certify through Boisco; is

1 that correct?

2 MR. TOTH: They're certified -- when we  
3 say "certification," as with the requirements of the  
4 State of Tennessee, that certification is Mersen's  
5 certification in-house. So when you see the -- that  
6 certification, it's certified to Mersen's internal  
7 requirements.

8 MR. BAUGHMAN: Interesting. And, Adam,  
9 what would those requirements be?

10 MR. OXFORD: They're going to match,  
11 really, what the State requires. My experience with  
12 Mersen is they're above and beyond --

13 MR. BAUGHMAN: Okay.

14 MR. OXFORD: -- what they expect.

15 MR. BAUGHMAN: So how long have you been  
16 with Mersen?

17 MR. OXFORD: I've been with Mersen for  
18 three years.

19 MR. BAUGHMAN: Okay. And so as we bring  
20 new personnel in, as personnel change, will that  
21 responsibility then be on you to proceed with further  
22 training, qualifications, certifications?

23 MR. OXFORD: Yeah, I'd probably be the  
24 one working directly with HR and making sure when we  
25 hire someone in, this is their role, they need

1 this training.

2 MR. BAUGHMAN: Okay. Would that get  
3 contracted back through Boisco or would that be in  
4 house?

5 MR. TOTH: It's not Boisco, it's --

6 MR. BAUGHMAN: Boisco Training Group,  
7 sorry.

8 MR. OXFORD: Yes, most likely be  
9 contracted through them.

10 MR. BAUGHMAN: Very good. Page 3 of  
11 section 2, just grammatical. We're dealing with  
12 singular boiler, and it lists, "Installed on our  
13 high-pressure boilers." So I would just change that  
14 to singular.

15 Do you -- I notice the boiler is both  
16 natural gas and number two oil. Do you utilize fuel  
17 oil at all?

18 MR. OXFORD: Natural gas.

19 MR. BAUGHMAN: Just natural gas. So is  
20 the fuel oil even hooked up?

21 MR. OXFORD: No, sir.

22 MR. BAUGHMAN: Thank you both.

23 MR. MORELOCK: Any other questions from  
24 the board?

25 (No response.)

1                   MR. MORELOCK: All right. Hearing none,  
2 do I have a motion?

3                   MR. BAUGHMAN: I move that we approve the  
4 variance upon inspection, proper inspection.

5                   MR. LASHLEY: Upon completion.

6                   MR. BAUGHMAN: Upon completion, thank  
7 you.

8                   MR. LASHLEY: Upon completion of -- of --  
9 of the listed controls put in place. Yeah, I mean,  
10 that's -- I -- I think we're fine to move forward as  
11 long as everything's put in, installed.

12                   May, is that what we're looking at?

13                   MR. OXFORD: Yeah, May or it may be early  
14 June, but we're looking at the next two months.

15                   MR. MORELOCK: So, yeah, this is  
16 contingent of the comments that you've received  
17 today. You'll update the manual with that and then  
18 there will be a site visit by the Boiler Unit in the  
19 field to make sure that what's in the manual is  
20 actually what's being done in the field, so.

21                   MR. BAUGHMAN: And we will get copies of  
22 the --

23                   MR. TOTH: Yes.

24                   MR. BAUGHMAN: -- new job descriptions  
25 and so forth on that?



1 MR. TOTH: Yes, you will.

2 MR. O'GUIN: Would y'all like an  
3 electronic copy? Marty can send us an electronic  
4 copy of the file with the book as a whole, and you  
5 can save it for future reference.

6 MR. BAUGHMAN: Yeah, I'm good with that.

7 MR. MORELOCK: I'm good with that.

8 MR. TOTH: Good deal. We'll do that.

9 MR. MORELOCK: All right. Any more  
10 questions or comments?

11 (No response.)

12 MR. MORELOCK: Hearing none. All in  
13 favor, say "aye."

14 THE BOARD: Aye.

15 MR. MORELOCK: Abstentions? Not voting?  
16 Gentlemen, you have a  
17 contingently-approved variance.

18 MR. TOTH: Thank you very much.

19 MR. OXFORD: Thank you.

20 MR. MORELOCK: Thank you. Easy.

21 MR. TOTH: Easy day.

22 MR. MORELOCK: Still time on the clock.  
23 All right. So that takes us to item number 4, open  
24 discussion items, which we have none.

25 That takes us to upcoming 2023 scheduled

1 quarterly meetings, which our next meetings will be  
2 June 21st, September 13th, and December 13th.

3 And that takes us to adjournment. So all  
4 in favor, say "aye."

5 THE BOARD: Aye.

6 MR. MORELOCK: All right. Like I said,  
7 don't get used to this.

8 THE REPORTER: Do you want this  
9 transcribed?

10 MS. IRION: Yes, yes.

11 (Proceedings concluded at 9:35 a.m. CST.)

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1 **REPORTER'S CERTIFICATE**

2  
3 STATE OF TENNESSEE

4 COUNTY OF DAVIDSON

5 I, COLLEEN HANSEN, court reporter, with  
6 offices in Nashville, Tennessee, hereby certify that  
7 I reported the foregoing BOARD OF BOILER RULES  
8 MEETING by machine shorthand to the best of my skills  
9 and abilities, and thereafter the same was reduced to  
10 typewritten form by me. I am not related to any of  
11 the parties named herein, nor related to their  
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22 \_\_\_\_\_  
23 COLLEEN HANSEN, LCR, RPR, CSR  
24 Associates Degree of Court Reporting  
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