



COMMONWEALTH OF PUERTO RICO  
DEPARTMENT OF LABOR

Hon. Frank Zorrilla Maldonado  
Secretary

**REGULATION OF BOILERS AND PRESSURE VESSELS  
REGULATION NUMBER 17 OF THE OFFICE OF THE ASSISTANT SECRETARY  
FOR OCCUPATIONAL SAFETY AND HEALTH**

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**PART I. GENERAL RULES**

**A. TITLE**

1. This Regulation shall be known as “Regulation of Boilers and Pressure Vessels.”

**B. LEGAL BASIS**

1. This Regulation is adopted by virtue of Act No. 16 of August 5, 1975, known as the Occupational Safety and Health Act, and the applicable Codes of the American National Standards Institute (ANSI) and the American Society of Mechanical Engineers (ASME).
2. The procedure to adopt this Regulation was carried out pursuant to clauses (1), (2), and (4) of Section 2, and clauses (1), (5), and (6) of Section 7 of Act No. 16 of August 5, 1975, as amended, known as the “Occupational Safety and Health Act”, which empowers the Secretary to adopt any federal standards and approve any other occupational safety and health standards; and the Uniform Administrative Procedures Act, Act No. 170 of August 12, 1988, as amended.

**C. PURPOSE**

1. To set standards and procedures that will require that every Employer provides employment or place of employment that offers a safe Installation, inspection, operation, use, and maintenance of Boilers and Pressure Vessels.
2. To establish a procedure for the registration of Boilers and Pressure Vessels.
3. To regulate the design, manufacture, Repair, Alteration, Installation, maintenance, Reinstallation, inspection, operation, and use of Boilers and Pressure Vessels.
4. To establish the requirements and procedures for the granting, suspension, or revocation of the Licenses for Inspectors of Boilers and Pressure Vessels, among other purposes.
5. To establish the requirements and procedures for the granting and cancellation of Inspection Certificates and reports for Boilers and Pressure Vessels.

**D. APPLICABILITY**

1. This Regulation will be applicable to every Employer, Owner, Inspector, Manufacturer, Installer of Boilers and Pressure Vessels within the jurisdiction of the Commonwealth of Puerto Rico, and any other person related to their Installation, Repair, Alteration, inspection, and operation.

## **E. DEFINITIONS**

1. The terms used in this Regulation will be construed according to their common meaning. The terms, as used in this Regulation, shall have the following meaning:

a. **Alteration** – Any change in any one of the specifications described in the original Manufacturer’s Data Report, which may affect the content capacity of a Boiler or Pressure Vessel. Non-physical changes, such as increases in the maximum allowable working pressure, internal or external, or design temperature of a Boiler or Pressure Vessel will be considered as an Alteration. A reduction of minimum temperature such that additional mechanical tests are required will also be considered as an Alteration. Examples of Alterations outlined in ANSI/NB-23 – National Board Inspection Code, will be used as a guide.

b. **Boiler** – a closed vessel in which a liquid is heated for use external to itself, by the direct application of energy from the combustion of a material (solid, liquid or gas), or from electricity or nuclear power. Heating Boilers or Pressure Vessels located in private residences are not included.

1) **Power Boiler** – a Boiler in which steam or other vapor is generated at a pressure of more than 15 psi for use external to itself, and exceeds the limitations established for Low-

pressure Heating Boilers and miniature Boilers; as defined in Section I of the ASME Boiler and Pressure Vessel Code.

- 2) **Miniature Boiler** – Any Boiler that does not exceed any one of the following limitations: 16 inches of inside diameter of sheel, five cubic feet in gross volume, 100 psi of maximum allowable working pressure, as defined in Section I of the ASME Boiler and Pressure Vessel Code.
  - 3) **Low-pressure Heating Boiler** – A Boiler operated at pressures not exceeding 15 psi, or at pressures not exceeding 160 psi, and water temperatures not exceeding 250°F, in keeping with the requirements of Section IV of the ASME Boiler and Pressure Vessel Code.
  - 4) **Portable Boiler** – A portable Boiler intended for temporary location and Installation.
- c. **Inspection Certificate** – Document issued by the Inspector, through the use of the Office’s form, whereby it is certified that the Boiler and/or Pressure Vessel, as of the inspection date, meets the requirements of this Regulation, and authorizes the operation of the equipment.
- d. **Code** – the Codes, Manuals, and Standards that are made a part of this Regulation, and listed and set forth in Section F of Part I of this Regulation.

- e. **Department** – Department of Labor of the Commonwealth of Puerto Rico.
- f. **Distributor, Seller or Agent** – Any natural or legal person engaged in the distribution or sale of Boilers or Pressure Vessels to be installed in Puerto Rico.
- g. **Owner or User** – Any natural or legal person that owns, leases, or in any other manner controls one or more Boilers or Pressure Vessels.
- h. **Existing Equipment** – Boilers or Pressure Vessels in use or operation by the date of approval of this Regulation.
- i. **Importer** – Any natural or legal person engaged in the import of Boilers or Pressure Vessels to be installed in Puerto Rico.
- j. **Inspection Report** – Document issued by the Inspector, through the use of the Office’s form, whereby it is determined that the Boiler or Pressure Vessel does not meet the requirements of this Regulation, and includes the deficiencies found. The document will cite the rule of the Code or Regulation corresponding to the deficiency or violation.
- k. **Monthly Report** – Document established by the Office, through which Inspectors will submit to the Office the works performed during each calendar month. The required procedures and information will be set forth in the corresponding form.
- l. **Engineer** – Person Licensed by the Examining Board of Engineers and Surveyors of Puerto Rico, who is a member of the Puerto Rico

Engineers and Land Surveyors Association, and is up to date with membership payments.

- m. **Inspector Engineer** – Engineer who has a License issued by the Secretary to inspect Boilers or Pressure Vessels.
- n. **Inspector** – Any person who has received a License issued by the Secretary to inspect Boilers or Pressure Vessels.
- o. **Installation** - means locating and placing Boilers or Pressure Vessels in a specific and fixed location, including Reinstallation.
- p. **Board** - The Boilers and Pressure Vessels Board, whose members are appointed by the Secretary to advise him/her in technical matters related to Boilers and/or Pressure Vessels, at his/her request. The duties and responsibilities of the Board will be established in Part V of Section B of this Regulation.
- q. **Act No. 16** - Occupational Safety and Health Act, Act No. 16 of August 5, 1975, as amended.
- r. **License** – License issued by the Secretary for the inspection of Boilers or Pressure Vessels.
- s. **Checklist** – Form established by the Office, which serves as a guideline for the minimum activities that the Inspector must perform during the Boilers’ inspection process.
- t. **Manufacturer** – Any natural or legal person engaged in the manufacture of Boilers or Pressure Vessels to be installed in Puerto Rico.

- u. Office** – Occupational Safety and Health Office of the Department of Labor.
- v. Operator** – Any natural person duly trained and designated by the Employer, Owner, or representative thereof to operate a Boiler.
- w. Employer** – Every natural or legal person, or any representative thereof, who assumes authority over any employment, or employee, including the government of the Commonwealth of Puerto Rico, its public corporations and municipalities.
- x. Natural person** – Any person acting in his/her personal capacity.
- y. Legal person** - Any person or entity capable of bearing rights and responsibilities despite lacking individual physical presence, such as corporations, associations, partnerships, foundations, etc., that comply with all the requirements imposed by the laws of the Commonwealth of Puerto Rico.
- z. Pressure Vessel** – A vessel to contain internal or external pressure. Pressure is obtained from an external source, or by the application of heat from an indirect or direct source, or combination thereof. The exceptions to the scope of this definition will be those established in the ASME Code, adopted in Part I, Section F, Clause 2.
- aa. Reinstallation** - Removal of a Boiler or Pressure Vessel from one fixed location to another fixed location.
- bb. Repair** – Work necessary to return a Boiler or Pressure Vessel to a safe and satisfactory operating condition, provided there is no

deviation from the original design. This deviation includes any modification, replacement, or any structural Alteration made to the Boiler or Pressure Vessel. Examples of Repairs outlined in ANSI/NB-23 – National Board Inspection Code will be used as a guide.

- cc. Resident** – Any person who resides in the United States, its territories, the District of Columbia, or the Commonwealth of Puerto Rico.
- dd. Secretary** –Secretary of Labor of the Commonwealth of Puerto Rico.
- ee. Assistant Secretary** – Assistant Secretary in charge of the Occupational Safety and Health Office.

#### **F. ADOPTED STANDARDS AND CODES**

1. The technical portions of the most recent edition, as amended, of the appendices, interpretations, and Code Cases of the following Codes, Rules, and Standards, excluding the parts whereby these organizations certify or authorize other organizations or individuals to work under their name, are made a part of this Regulation.
2. The Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers - ASME.
3. The following Codes of the American National Standard Institute - ANSI:
  - a. ANSI/ASME CDS-1, Controls and Safety Devices for Automatically Fired Boilers.
  - b. ANSI/NB-23, National Board Inspection Code.

- c. ANSI/API 510, American Petroleum Institute - Pressure Vessel Inspection Code.
- 4. The following Codes of the National Fire Protection Association - NFPA:
  - a. NFPA 58, Standard for the Storage and Handling of Liquefied Petroleum Gases.
  - b. NFPA 70, National Electrical Code - NEC.
  - c. NFPA 85, Standard for the Prevention of Furnace Explosions in Fuel Oil- and Natural Gas-Fired Single Burner Boiler-Furnaces.
  - d. NFPA 85B, Standard for the Prevention of Furnace Explosions in Natural Gas-Fired Multiple-Burner Boiler Furnaces.
  - e. NFPA 85D, Standard for the Prevention of Furnace Explosions in Oil-Fired Multiple-Burner Boiler Furnaces.
  - f. NFPA 85E, Standard for the Prevention of Furnace Explosions in Pulverized Coal-Fired Multiple Burner Boiler-Furnaces.
  - g. NFPA 86A, Standard for Ovens and Furnaces; Design, Location and Equipment.
  - h. NFPA 86B, Standard for Industrial Furnaces, Design, Location and Equipment.
  - i. NFPA 86C, Standard for Industrial Furnaces Using a Special Processing Atmosphere.
- 5. Upon any discrepancy between any one of the Codes, Rules, or Standards, and any provision of this Regulation, the provisions of the Regulation will prevail. The Secretary is empowered to grant exemption from the

enforcement of any part of these Codes, Rules or Standards, pursuant to Section G of Part I of this Regulation.

**G. VARIANCE AUTHORIZATION**

1. Any Employer affected by any one of the provisions of this Regulation, may obtain a temporary or permanent variance from the Secretary. Any application for variance authorization must comply with the requirements set in Sections 14, 15, and 16 of Act No. 16 of August 5, 1975, as amended, and Regulation No. 3, Part 1905 (3 OSH 1905) regarding variances that are made a part of this Regulation.
2. In situations where the Codes adopted in Part I, Section F of this Regulation allow jurisdiction requirements, the Employer shall request a variance authorization from the Office, through an Inspector, and meet the Inspector's approval. Any application for variance authorization shall be in writing, and must include the following information:
  - a. Name and address of the Employer and exact location of the place of employment related to the activity.
  - b. The specific standard, or part thereof, for which the variance is requested.
  - c. Justification for the variance application.
  - d. Detailed description of the equipment, processes, and risks involved.
  - e. Information on the measures taken to assure the safety of the equipment and the personnel.



3. Any Boiler or Pressure Vessel manufactured, installed, Repaired, altered, or receiving maintenance by an organization not registered with the Office, shall not be certified.
4. Every Boiler or Pressure Vessel manufactured abroad to be installed in Puerto Rico, shall bear the corresponding ASME seal. Any Boiler or Pressure Vessel that does not meet this requirement may be used in Puerto Rico after it is certified by an Inspector. The Inspector will submit to the Office the following information:
  - a. Report of the Manufacturer's Data, including the equipment's design Code.
  - b. Mathematical calculations leading to the equivalent of the ASME Code.
  - c. Copy of the equipment identification plate.
  - d. Name and address of the Employer that will use the equipment.
  - e. Inspection Certificate stating that each individual equipment meets the ASME design and manufacturing requirements.
5. Boilers or Pressure Vessels without the corresponding ASME seal may be designed and manufactured in Puerto Rico, following the standards or procedures for obtaining a permit for the manufacture of Boilers and/or Pressure Vessels to be used in Puerto Rico, as published by the Department of Labor in procedure DT-NPAT-15 of March 1971.
6. Any Manufacturer, Importer, Distributor, Agent or Seller of Boilers or Pressure Vessels to be used within the jurisdiction of Puerto Rico, must assure that the equipment meets the requirements of this Regulation.

7. The elements and electric or electronic equipment of Boilers or Pressure Vessels shall bear the seal of approval of the Nationally Recognized Testing Laboratories (NRTL) acknowledged by the Occupational Safety and Health Administration (OSHA).

**B. APPLICABLE CODES**

1. The design, Installation, Alteration and Repair of Boilers or Pressure Vessels shall comply with the Codes adopted by this Regulation.

**C. PERMITS FOR THE INSTALLATION AND REGISTRATION OF BOILERS AND PRESSURE VESSELS**

1. Any natural or legal person that will install or operate a Boiler in Puerto Rico, shall request from the Office the corresponding permits.
2. The Installation application shall be included in the form provided to such effects by the Office, and shall be accompanied with the following:
  - a. The complete plans and design specifications of the Boilers.
  - b. Copy of the Use Permit of ARPE (Regulations and Permits Administration).

The cost of this application will be established in Appendix I of this Regulation.

3. The Office will evaluate the Installation Application, and its final determination will be notified to the applicant within the thirty (30) working days following the filing date, on the understanding that the Office will accept the application when it meets all the requirements of this clause.
4. Upon completion of the activity for which the Installation Permit was requested, the natural and legal person will submit to the Office, through an

Inspector, a Boiler Registration Application, along with an Inspection Certificate for a new Installation, with the corresponding payment established in Appendix I of this Regulation.

5. Any natural or legal person that will install or operate a Pressure Vessel in Puerto Rico shall submit with the Office an application for the registration of the Pressure Vessel, through an Inspector, with the corresponding payment established in Appendix I of this Regulation.
6. The Employer or Owner shall have a copy of the Registration of the Boiler or Pressure Vessel in the machine room or a place near the equipment.

**D. REGISTRY APPLICATION**

1. Any natural or legal person interested in obtaining a registration from the Office to manufacture, install, alter, or Repair Boilers, Pressure Vessels, or safety valves, must file the corresponding application with the Secretary.
2. The Secretary will issue the requested registry once it is deemed that the applicant is capable of engaging in the activities mentioned in the above clause.
3. The registry shall be renewed every three years, and its cost will be set in Appendix I of this Regulation.
4. The registry may be revoked or suspended by the Secretary, if, through an audit, it is found that the applicant deviates from the applicable requirements that led to the registry.

### **PART III. REGISTRATION OF BOILERS AND PRESSURE VESSELS**

#### **A. REGISTRATION PERIOD**

1. Any natural or legal person that uses or operates one or more Boilers or Pressure Vessels shall register the same with the Office, through an Inspector, within a period of one (1) calendar year as of the date of approval of this Regulation.
  - a. Every registration of Existing Equipment made within the period of one calendar year as of the date of approval of this Regulation shall be free of cost.
  - b. The fee of every registration of Existing Equipment, to be entered after the period set forth in the above clause, will be established in Appendix I of this Regulation.

#### **B. REGISTRATION APPLICATION**

1. Any registration application will be submitted in the forms established by the Office, accompanied with an Internal Revenue voucher in the amount set in Appendix I of this Regulation.

### **PART IV. INSPECTION AND CERTIFICATION OF BOILERS AND PRESSURE VESSELS**

#### **A. GENERAL RULES**

1. Any Employer or Owner who operates or uses one or more Boilers or Pressure Vessels must have them inspected internally, externally, and operationally at least once a year by an Inspector. They shall be inspected for the issuance of a new certification in case of relocation. In the case of

Boilers, the Inspection Certificate will not be issued until they are inspected internally, externally, and operationally.

2. The Office may require that Boilers or Pressure Vessels be inspected before the one-year period in cases where it is deemed necessary.
3. Any Owner, Employer, or User of Pressure Vessels that due to their design, content, use, operation, or nature of the process is unable to perform the annual inspection, shall submit for approval of the Secretary an alternate inspection program establishing the period between inspections, handed and certified by an Inspector. The Department reserves the right to request any other information it may deem necessary.

**B. RESPONSIBILITIES OF THE EMPLOYER OR OWNER**

1. Every Boiler or Pressure Vessel shall be inspected by an Inspector upon completion of its Installation, Reinstallation, Repair, or Alteration, and certified prior to its operation.
2. No Employer or Owner shall operate or use a Boiler and/or Pressure Vessel, unless such Boiler or Pressure Vessel bears an Inspection Certificate in force issued by an Inspector.
3. It shall be the obligation of every Employer or Owner to keep in good conditions, and at the disposal of the Inspector and the Secretary's authorized representative, the Inspection Certificate and report, the Inspection Checklist, the registration form, records of Repairs and/or Alterations, manufacturing plans, specifications, Manufacturer's Data, and the manual of instructions for

the Installation, operation, and maintenance of every Boiler or Pressure Vessel under his/her control.

4. It shall be the responsibility of the Employer to put a copy of the Inspection Certificate in a visible place, near the equipment.
5. The Employer shall notify the accidents caused by Boilers or Pressure Vessels, following the provisions in effect established in Act No. 16, by the date of approval of this Regulation. The provision reads as follows: "Every serious or fatal accident shall be notified by the Employer to the Secretary of Labor, or his/her designee within eight hours following the accident."  
A serious accident or catastrophe will be deemed as such when it involves three or more hospitalized employees, as a result of a work-related incident.
  - a. The notification of the accident may be informed by phone, through fax, or electronic mail. It is provided that, within seven (7) working days, as of the date of the accident, the Employer must submit a report on the accident, in writing.
  - b. The notification must make an account of the circumstances of the accident and the number of fatalities and/or injuries.
  - c. The Assistant Secretary of the Office, or his/her designated official, may require, in writing, or in any other matter, any additional information that he/she may deem necessary regarding the accident.
6. The responsibility and obligation of paying the fees for the inspection and certification of the Boilers or Pressure Vessels will fall on the Employers or owners of the equipment.

7. It shall be the responsibility of the Employer to ascertain that his/her equipments are duly identified with the NBIC, ASME number, serial number, or the number assigned by the Employer or Owner, and the Manufacturer's name.
8. Every Employer who operates or uses one or more Boilers shall ascertain that their Operator has the necessary and adequate knowledge to fulfill his/her duties, and meets the following requirements:
  - a. To be able to understand Spanish and English.
  - b. To be over 18 years of age.
9. Every Employer must use companies registered with the Office for any Repair, Alteration, manufacture, or Installation pertaining to Boilers or Pressure Vessels.

## **PART V. BOILERS AND PRESSURE VESSELS ADVISORY BOARD**

### **A. ORGANIZATION OF THE ADVISORY BOARD**

1. The Secretary will appoint a Boilers and Pressure Vessels Advisory Board that will be composed of three (3) engineers who are experienced in the field of Boilers or Pressure Vessels or the teaching of Engineering related to the equipment covered by this Regulation. At least one of them must be an Inspector Engineer.
2. The terms of the Board members for the fulfillment of their duties are as follows:
  - a. The Board members that first fill their positions, as designated by the Secretary at the time of the appointment, will serve their terms as

follows: one of the members will serve for a period of two (2) years, another member for a period of four (4) years, and the other member for a period of six (6) years.

- b. Any vacancy due to the death, resignation, or removal of a member before the expiration of the term for which he/she was appointed, will be filled for the remainder of the unexpired term.
3. The Secretary may remove from office any member of the Board due to incapability to act as a Board member, manifest incompetence to fulfill his/her obligations, neglect of duty, misconduct, or repeated and unjustified absences to the meetings convened by the Office.
4. The Board will meet periodically, upon notification by the Office at least five (5) days prior to the meeting. Also, it may hold special sessions, as deemed necessary for the speedy processing of the matters at hand.
5. Two (2) members of the Board will constitute quorum to hold a meeting, and to consider the matters under its jurisdiction.
6. The meetings of the Board shall be held in the presence of the Assistant Secretary or his/her designated representative for such purposes. The Assistant Secretary or his/her representative will be authorized to suspend any meeting, provided that he/she deems that the suspension is beneficial to the public interest.
7. The Board members will receive a compensation of one hundred dollars (\$100.00) per meeting day.

## **B. DUTIES AND RESPONSIBILITIES OF THE ADVISORY BOARD**

1. To advise the Secretary regarding the standards, regulations and amendments applicable to Boilers and Pressure Vessels.
2. To evaluate the applications of the applicants for the Inspector's exam referred by the Secretary, the Assistant Secretary or his/her authorized representative.
3. On an annual basis, each member of the Board will submit several questions that may be included on the Inspector's exam, to the consideration of the Assistant Secretary.
4. The Assistant Secretary will determine the questions that will be included in the Inspector's exam.
5. The members of the Board will administer the Inspector's exam in conjunction with the personnel of the Office designated to such effects by the Assistant Secretary.
6. Once the exams are completed, the members of the Board will take them, and hand them to the person designated by the Secretary as exam custodian.
7. The Assistant Secretary will hand several exams to each member of the Board for their evaluation and grading.
8. The Secretary will notify each applicant about the results of the exam within a period that shall not exceed ninety (90) days, from the date of the exam.
9. To issue a recommendation to the Secretary and a copy thereof to the Assistant Secretary, after an objective evaluation of the applicant and the results of the exam.

10. To establish the requirements and procedures to be followed for the evaluation of the continuing education courses.
11. To recommend to the Secretary the approved continuing education courses that every Inspector must take in order to comply with the sixteen (16) credit hours of continuing education at the moment of the License renewal.
12. To prepare the minutes of the Board's meetings, and have them certified as accurate by the Secretary and President of the Board.
13. To adopt an internal regulation that will govern their decisions.

## **PART VI. ISSUANCE OF INSPECTOR'S LICENSE**

### **A. EXAM APPLICATION**

1. The exam for the issuance of the Inspector's License will be offered on an annual basis, and will consist of two parts:  
  
Part A – Pertaining to Theory and Regulations.  
  
Part B – Pertaining to Codes and design problems.
2. The Secretary will publish a newspaper ad ninety (90) calendar days prior to the date of the exam in two (2) newspapers of general circulation, notifying the date on which the exam will be administered to the persons interested in applying for the Inspector's License.
3. Any person interested in taking the exam, may file a sworn application with the Secretary, using the form provided by the Office, in original and copy, within the thirty (30) calendar days following the publication date of the newspaper ad. Every exam application shall be submitted through the payment of the corresponding fees set in Appendix I of this Regulation.

### **B. APPLICANT'S REQUIREMENTS**

1. Any person who requests from the Secretary the issuance of an Inspector's License must meet the following minimum requirements:
  - a. The applicant must have the following academic background and experience:
    - 1) To be an Engineer and have one (1) year of experience in the design, manufacture, Installation, maintenance, operation, or inspection of Boilers and Pressure Vessels.
    - 2) Having earned a Bachelor's Degree in any branch of Engineering from a university, college or institution certified by the Higher Education Council of the Commonwealth of Puerto Rico.
      - a) If the applicant earned a Bachelor's Degree in any branch of Engineering from any university, college or institution outside of the Commonwealth of Puerto Rico, but within the jurisdiction of the United States of America, said Degree shall be certified by a higher education institution of any state of the United States of America, its territories, or the District of Columbia.
      - b) If the applicant earned a Bachelor's Degree in any branch of Engineering from any university, college, or institution abroad, said Degree shall be certified by an evaluating academic institution that declares that the applicant's studies are equivalent to a Bachelor's

Degree certified by a higher education institution in any state of the United States of America, its territories, the District of Columbia, or the Commonwealth of Puerto Rico.

- b.** Applicants who are not Engineers, regardless of the place where the Bachelor's Degree in any branch of Engineering was earned, must meet the requirement of two (2) years of experience in the design, manufacture, Installation, maintenance, operation, or inspection of Boilers or Pressure Vessels.
- 2.** To be a Resident.
- 3.** To be able to read, write and speak Spanish and English in a satisfactory manner.
- 4.** To present a certificate of good conduct issued by the Superintendent of the Puerto Rico Police, showing no criminal record. If the applicant's residence is outside of the Commonwealth of Puerto Rico, he/she will also be required to submit a certificate of good conduct, showing no criminal record, issued by the pertinent authority at his/her area of residence. Any such certificate must have been issued within six (6) months prior to the filing of the application before the Secretary.
- 5.** To present a health certificate. The certificate must have been issued within six (6) months prior to the filing of the application.
- 6.** The documentation outlined in subsections 4 and 5 of this clause shall be presented upon passing the exam.

**C. APPLICATION PROCEEDINGS**

1. The Secretary will refer every application to the evaluation and recommendation of the Office.
2. The filed applications will be revised and answered at least thirty (30) days prior to the date of the exam. Any application that does not include all the required information and documentation in the designated form, will be returned by the Secretary to the applicant, along with a notification of the deficiencies and omissions, without prejudice to filing any new or revised application.
3. The applications will be approved or rejected by the Secretary, upon the Board's evaluation and recommendation.
  - a. If the application is approved, the applicant will be notified by certified mail about the decision. The notification will be issued at least thirty (30) calendar days prior to the date on which the exam will be administered, and shall include the date, time, and place of the exam.
  - b. If the application is rejected, the applicant will be notified through certified mail, without prejudice to refiling an application, except when such action is deemed beneficial to the public interest.

**D. LICENSE DURATION AND RENEWAL**

1. The Inspector's License shall be renewed every four (4) years, through the payment of the corresponding fees established by the Secretary in Appendix I of this Regulation.
2. Every License Renewal Application shall be filed at least thirty (30) days prior to the expiration date.
3. The License Renewal Application shall be filed through the form provided by the Office to such effects. The License renewal will be subject to the Inspector's compliance with the following requirements:
  - a. To have reliable evidence showing that he/she has passed courses approved by the Office, equal to no less than sixteen (16) credit hours of continuing education in the inspection and regulation of Boilers and Pressure Vessels, or in any other related field during the License's effectiveness period.
  - b. To comply with all the applicable provisions of this Regulation.
  - c. To present a certificate of good conduct issued by the Superintendent of the Puerto Rico Police Department, showing no criminal record. The certificate must have been issued within six (6) months prior to the filing of the application.
  - d. To present a health certificate. The certificate must have been issued within six (6) months prior to the filing of the application.
4. Upon the expiration of the period for which the License was issued, without renewal, the Inspector will be banned from performing any function allowed by the License until the same is renewed.

5. Upon the License's expiration, a period of one (1) year will be granted to apply for renewal, as of the expiration date without having to take the exam.
6. Any Inspector who wishes to voluntarily waive his/her License may do so through written notification to the Secretary. Such notification shall be accompanied with his/her License.
7. Any Inspector to whom the Secretary may have granted a License before the effectiveness date of this Regulation, and who does not meet the requirements established therein, will keep his/her rights, pursuant to Special Rule No. 1 of November 28, 1976, provided that he/she meets the other requirements of this Regulation.

**PART VII. RESPONSIBILITIES AND OBLIGATIONS OF LICENSED INSPECTORS**

1. Every License issued by the Secretary will empower its holder to conduct inspections, and issue Inspection Certificates and reports for Boilers and/or Pressure Vessels in Puerto Rico, in keeping with the applicable Codes and Regulations.
  - a. No Inspector shall issue an Inspection Certificate for a Boiler or Pressure Vessel that he/she did not inspect.
  - b. The Inspector shall not issue an Inspection Certificate until any deficiencies he/she may find, in violation of the applicable Codes or Regulations are corrected.
  - c. The Inspector shall provide the Employer or Owner with the Inspection Certificate or report and the Inspection Checklist for each individual equipment, pointing out the deficiencies found, if any.

- d. In case that any deficiencies found during the inspection of a Boiler or Pressure Vessel are not corrected within the period established in the Inspection Report, and thus, the corresponding Inspection Certificate cannot be issued, the Inspector will inform the Secretary or his/her representative about such circumstances, and will forward him/her a copy of the Inspection Report, in the fastest way available. The Inspector may establish the duration of the correction period at his/her discretion. If such correction period extends for thirty (30) working days or more, the Inspector will notify the Office about such circumstances within the five (5) working days following the date of the agreement with the Employer or Owner.
  - e. All certificates, reports, and Checklists of inspection issued by the Inspector will be prepared in the form established by the Office. The Inspection Certificate issued will be retroactive to the date of inspection. The Inspector will use the “Procedure for the Control of the issuance of Inspection Certificates” established in Appendix II of this regulation for the corresponding processing of Inspection Certificates.
2. The Inspector shall notify any change of address or phone number to the Office on or before five (5) working days.
  3. Every Inspector shall submit to the Office a copy of the Monthly Report within the next fifteen (15) calendar days of the following month. The Monthly Reports will be written in print, by computer or typewriter, and

completed in its entirety. The information shall be provided clearly in the corresponding boxes.

4. It shall be the responsibility of the Inspector to notify the Office about situations that may require the approval of the Department regarding the Codes adopted in Part I, Section F of this Regulation.
5. It shall be the responsibility of the Inspector to have available his/her identification card, which is issued by the Secretary.
6. All Inspectors shall follow the standards, procedures and forms established by the Department for Boilers and/or Pressure Vessels.
7. The Inspector shall keep a file of records for the inspections he/she may have conducted, in keeping with the provisions of this Regulation. The records filed shall be kept in the Inspector's Office, and will be subject to audits by the Office.
8. The records shall be kept in the Inspector's Office during a period of five (5) years.
9. If a person no longer performs the functions of Inspector on whatever grounds, he/she shall hand over to the Office the records in his/her custody.
10. Every Inspector shall prepare, keep, preserve, and have at the disposal of the Office all the Inspection Certificates and reports, at the Office's request.

#### **PART VIII. CONFLICT OF INTEREST**

1. Inspectors shall avoid conflict of interest or appearance of conflict in every inspection.

- a. Inspectors shall not inspect Boilers or Pressure Vessels located in work sites where the Inspector or the natural or legal person for whom the Inspector renders his/her services, has an economic or financial interest.
    - b. The Inspector may not inspect Boilers or Pressure Vessels designed, manufactured, supplied, installed, sold, distributed, leased, Repaired, altered, receiving maintenance from, or verified by the Inspector or natural or legal person for whom the Inspector renders the services.
  2. Noncompliance with the provisions above mentioned shall entail the revocation of the Inspector's License. Any Inspection Certificate issued in violation to these provisions will be void.

**PART IX. GROUNDS AND PROCEDURES FOR SUSPENSION OR REVOCATION OF LICENSE**

**A. GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE**

1. The Secretary may reject, suspend, or revoke an Inspector's License on the following grounds:
  - a. Noncompliance with the provisions and procedures established in this Regulation.
  - b. To commit fraud or deceit to obtain the Inspector's License, which will also be grounds for the revocation of the License.
  - c. To commit fraud or deceit in the exercise of his/her profession, or to be convicted for a felony or misdemeanor involving moral turpitude, as defined in the Penal Code of Puerto Rico.
  - d. To sign any Inspection Certificate or report for an inspection not conducted by him/her.

- e. Use of the License to practice the profession in Puerto Rico within a period during which the License was not in force.
- f. Failure to send to the Office the forms pertaining to the Monthly Reports duly filed pursuant to this Regulation.
- g. To sign any Inspection Certificate for Boilers or Pressure Vessels not registered with the Office.
- h. Certification of equipment outside the scope of this Regulation.
- i. Incompetence, negligence, fraud, or lack of reliability in the fulfillment of his/her duties.
- j. Any conflict of interest, as defined in Part VIII of this Regulation.
- k. Any other cause that in the judgment of the Secretary may entail the denial, suspension or revocation of the Inspector's License.

**B. PROCEDURES FOR SUSPENSION OR REVOCATION OF LICENSE**

1. The Secretary, on his/her initiative, or at the request of a complaint well grounded of any natural or legal person, may initiate a procedure for the suspension or revocation of an Inspector's License when he/she deems that an Inspector may have incurred in a violation of this regulation. Any such complaint shall be filed in writing, describe the facts on which it is based, and the requested remedy, be signed by the movant, and submitted to the Office.
2. The Secretary will notify the Inspector about the nature of the alleged facts against him/her, and provide a copy of the complaint that initiated the procedure hereby established. This notification shall be made in person or by certified mail with acknowledgment of receipt to the address of the Inspector, not later than fifteen (15) days from the filing date of a complaint.

3. Any Inspector that is adversely affected may file the answer to the complaint within the period of twenty (20) days from the date of the notification of the facts alleged against the Inspector, including any defenses on his/her behalf.
4. The Secretary will designate a hearing examiner to preside over an adjudicative hearing, through which the defendant Inspector, whether pro se or through counsel, may interrogate the persons who declare against him/her, and examine all the evidence filed against him/her, as well as to file the oral and documentary evidence the Inspector may deem pertinent.
5. The defendant Inspector will be entitled to use the discovery mechanisms in every procedure brought on the Secretary's initiative. In all other cases, discovery mechanisms may be used, as authorized by the hearing examiner presiding over the hearing. The Hearing Examiner may also issue summons for the appearance of witnesses, orders for the production of documents, materials or objects, and protection orders, in keeping with the Rules of Civil Procedure in force. Any evidence, document, or proof to be considered by the Hearing Examiner in his/her report will be made a part of the record.
6. The Hearing Examiner presiding over the hearing may summon all the parties, or their authorized representatives, whether on his/her initiative, or at the petition of one of the parties, to appear to a pre-hearing conference with the purpose of reaching a final agreement, or simplify the matters, or the evidence to be considered at the hearing.
7. The Department will notify in writing to all the parties, or their legal representatives or intervenors, the date, time, and place of the adjudicative hearing. The notification shall be made by mail or in person not later than

fifteen (15) days prior to the date of the hearing, unless for duly-justified reasons consigned in the notification, it is necessary to reduce said period.

The notification will contain the following information:

- a. Date, time, and place of the hearing, as well as the nature and purpose thereof.
  - b. A warning of the fact that the Inspector, or any other interested party may appear pro se, or with legal representation, including cases involving legal persons.
  - c. Quotation of the legal or regulatory provision that authorizes the celebration of the hearing.
  - d. A reference to the legal or regulatory provisions allegedly violated, if charged with an infraction thereof, and the facts constituting such infraction.
  - e. Warning of the measures that the Department may take if a party fails to appear at the hearing.
  - f. Warning of the fact that the hearing will not be suspended.
8. The hearing shall be public unless the defendant Inspector, or any interested party submits a duly grounded petition, in writing, for the hearing to be private, and the official presiding over said hearing authorizes it, if he/she understands that it can cause irreparable harm to the petitioner.
  9. The official presiding over the adjudicative procedure shall not suspend a scheduled hearing, unless the Inspector or any interested party so requests in writing, five (5) days before the hearing date. The petitioner shall send a

copy of the request to the other parties or intervenors within said8 five (5)-day period.

10. If the defendant Inspector does not appear at the hearing, or at any other stage of the adjudicative process, the hearing examiner may hold him/her in contempt, and continue with the process without the defendant Inspector's participation, but will notify him/her in writing about any decision, the officials involved, and any available appeal for reconsideration or revision.
11. The adjudicative hearing shall be taped or transcribed, and the presiding hearing examiner will prepare a report with his/her findings of fact, conclusions of law, and recommendations to the consideration of the Secretary.
12. The Department will notify the order or final resolution to all the parties, and their legal representatives, if any, by mail, within the ninety (90) days following the hearing, unless such period is waived or extended with the consent of all the parties, or for just cause. The order shall include the findings of fact, and conclusions of law that support the adjudication, and the availability of the appeal for reconsideration or revision, as the case may be. The order or resolution shall inform the right to seek a reconsideration or revision thereof, stating the corresponding terms. The Department will file in the record of the case a copy of the order or final resolution, and evidence of the notification, in keeping with Section 3.14 of the Uniform Administrative Procedures Act, Act No. 170 of August 12, 1988, as amended.
13. The party that is adversely affected by a resolution, partial or final order, may file a motion for reconsideration of the resolution or order within the term of

twenty (20) days from the date of the filing of the resolution or order. The motion shall be considered within fifteen (15) days of its filing. Should it be rejected forthright or there is failure to act upon it within (15) days, the term to request review shall recommence from the date of notice of such denial, or from the expiration of the fifteen (15) day term, as the case may be. If a determination is made in its consideration, the term to petition for review shall commence from the date a copy of the notification of the Department's resolution definitively resolving the motion to reconsider is filed in the record of the case, in keeping with Section 3.15 of the Uniform Administrative Procedures Act, Act No. 170 of August 12, 1988, as amended.

14. The party that is adversely affected by a final order or resolution of the Department, and has exhausted all remedies provided by the Department, may file an appeal for revision before the Puerto Rico Circuit Court of Appeals, within a period of thirty (30) days, from the date a copy of the notification of the order or final resolution of the Department is filed in the record of the case, or from the applicable date outlined in the above clause thirteen (13), when the period to petition for judicial review has been interrupted by the timely filing of a motion to reconsider, in keeping with Section 4.2 of the Uniform Administrative Procedures Act, Act No. 170 of August 12, 1988, as amended.

**PART X. PROCEDURES OF THE OFFICE**

1. The procedures of the Office will be set forth in the Field Operations manual of the Elevators and Boilers Division.

2. The Office will annul any Inspection Certificate in force, in case it deems that the equipment poses safety risks, or violates the provisions of the Standards or Codes of this Regulation. The Employer, Owner, and Inspector who issued the Inspection Certificate will be informed in writing about the circumstances that led to the certificate's annulment.

**PART XI. PENALTIES**

1. Any natural or legal person who fulfills the functions of an Inspector in violation of the provisions of this Regulation will be imposed a civil fine that shall not exceed seven thousand dollars (\$7,000) for each violation.
2. Any violation of this Regulation by an Employer or Owner will be prosecuted in accordance with Section 25 of Act No. 16 and the Uniform Administrative Procedures Act, Act No. 170 of August 12, 1988.
3. Civil fines imposed on Employers or Owners shall be paid by certified check or money order in the name of the Secretary of the Treasury of the Commonwealth of Puerto Rico, to be deposited with the Occupational Safety and Health Promotion Special Fund created by Act No. 281 of December 19, 2002.

**PART XII. SPECIAL PROVISIONS**

1. In case of technical disagreement between the Inspector and the company that provides Installation, Repairs, or Alterations, the subject matter of the disagreement will be submitted to the Office for evaluation. After the parties are heard, the Office will issue a decision, which will be binding on both parties.

2. When computing any period of time prescribed by this Regulation, the first day shall be excluded. The last day of the period of time will be included in the computation, unless it is a Saturday, Sunday, or holiday, in which event the period shall run until the next working day of the Office. When the period of time prescribed is seven (7) days or less, Saturdays, Sundays, or holidays shall be excluded in the computation.

### **PART XIII. SEPARABILITY CLAUSE**

1. If any word, clause, item, section, subsection, sentence, clause, phrase, provision, or exception of this Regulation shall be held unconstitutional or void by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this Regulation.

### **PART XIV. REVOCATION AND EFFECTIVENESS**

1. Special Rule No. 1, Registration and inspection of Boilers and/or Pressure Vessels, approved on November 28, 1976 is repealed through the adoption of this Regulation.
2. This Regulation shall become effective thirty (30) days from its filing date with the Department of State of the Commonwealth of Puerto Rico, pursuant to clause (b) of Section 11 of Act No. 16, and Section 2.8 of the Uniform Administrative Procedures Act, Act No. 170 of August 12, 1988, as amended.

### **PART XV. APPROVAL**

The Secretary of Labor approves this Regulation in San Juan, Puerto Rico, this 23rd day of January of 2004.

Frank Zorrilla Maldonado  
Secretary

# **REGULATION OF BOILERS AND/OR PRESSURE VESSELS**

## **APPENDIX I**

### **FEES ESTABLISHED BY THE REGULATION**

- 1) Registration of equipment - \$5.00
- 2) Control Number for Registration Certificate - \$1.00
- 3) Installation Permit Application - \$50.00
- 4) Application for License Exam - \$100.00
- 5) License Renewal - \$50.00
- 6) Registry Application - \$10.00

The payments for these services will be made through check or money order in the name of the Secretary of the Commonwealth Treasury Department.

# **REGULATION OF BOILERS AND/OR PRESSURE VESSELS**

## **APPENDIX II**

### **PROCEDURE FOR THE CONTROL OF THE ISSUANCE OF INSPECTION CERTIFICATES**

- 1) The Office will issue, through written communication, the Control Numbers for the issuance of Inspection Certificates. These Control Numbers will be used in the Monthly Reports and the Inspection Certificates and will be established as it is described below:

Each Control Number will consist of three (3) parts separated by a dash, and will include:

- a) First Part – the Inspector’s License Number.
  - b) Second Part – the last two digits of the issuance date of the Control Number.
  - c) Third Part – A sequence number established by the Office.
- 2) The Inspector will request to the Office, through the form provided by the Office, the amount of Control Numbers that he/she may need to issue the Inspection Certificates corresponding to the equipment to be inspected. The Control Numbers issued by the Office will not be transferable among Inspectors.
  - 3) The cost of the Control Number will be established in Appendix I of this Regulation.