



ACCA Creates Legal Defense Fund to Protect and Represent Industry.

The Air Conditioning Contractors of America New England Chapter is about to embark on a legal battle to address a very serious issue confronting our industry. At issue is whether or not qualified craftsmen can install the venting on a gas boiler or furnace under the supervision of a gas fitter.



The History

The Massachusetts Board of Examiners of Plumbers and Gas Fitters issued an interpretation on October 25, 2006 regarding the installation and venting of gas heating equipment. Some in our industry believe that through this interpretation the Board has exceeded its authority. The interpretation attempts to expand the legal definition of “gas fitting” and will include related work that is not covered by the original definition of gas fitting as set forth in the law.

ACCA New England has asked the State Board of Examiners of Plumbers and Gasfitters to clarify the language or modify it to allow the same exception for direct-vented equipment that is granted for all other types of equipment covered by this interpretation. The Board has remained steadfast and insists that in the case of direct vented equipment under 400,000 Btu’s and utilizing PVC vents, that a “qualified individual” cannot perform this work and indeed the work must be done by a licensed gasfitter.

Action Plan

We will now seek relief from the courts. To aid ACCA New England in this effort we have retained the services of David Kerrigan, Esq. of Kenney & Sams, P.C. Attorney Kerrigan will argue that the Board’s interpretation of their regulations concerning the definition of gas fitting has already been decided.

Industry Argument

Attorney Kerrigan will also argue that even if the Board is not precluded from issuing the same interpretation that was previously ruled “plainly wrong,” the Board should lose on the merits of its case. Mr. Kerrigan believes that the Board is acting outside the scope of its authority because the definition of “gas fitting” in the regulations does not give the Board authority to regulate exhausted vent flue gas.

David will argue that a 1986 Hughes case is binding on the Board because it specifically decided the very issues that are now in dispute with the Board. Moreover, the Board never appealed the Hughes decision, so they are now precluded from making the same interpretation that was already ruled “plainly wrong” by the Court.

Legal Defense Fund

To move this effort forward we have established a Legal Defense Fund to raise the resources we will need to fund this legal battle. Funds raised will be used for this and other regulatory and legislative issues that arise that would negatively impact the HVAC industry.

Will you help? We need to raise a minimum of \$40,000. Your donation is critical to our success. Please donate today. You can use the attached form to make a donation or [click here](#) to make a donation online.

Contact ACCA

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