

780 CMR 110.00

780 CMR 110.R1

CONCRETE TESTING LABORATORIES LICENSING

(Note: 780 CMR 110.R1 is unique to Massachusetts)

**110.R1.1 Scope.** The provisions of 780 CMR 110.R1 shall govern the licensing of laboratories that test concrete and concrete aggregates.

**110.R1.2 Definitions.** The following words and terms shall, for the purpose of 780 CMR 110.R1, and as used elsewhere in this code, have the meanings shown in 780 CMR 110.R1.2:

**BRANCH LABORATORY.** A concrete testing laboratory physically removed from the principal laboratory. A branch laboratory may have project laboratories.

**CONCRETE TESTING LABORATORY.** A proprietorship, corporation, partnership or agency which conforms to the requirements of ASTM E 329-07 as modified by 780 CMR 110.R1. A concrete testing laboratory shall mean the principal laboratory, branch laboratory or project laboratory unless otherwise specified.

**LABORATORY.** A concrete testing laboratory.

**PRINCIPAL LABORATORY.** A concrete testing laboratory that may have branch and project laboratories.

**PROJECT LABORATORY.** A temporary onsite concrete testing laboratory for a specific project under the direction of a principal or branch laboratory.

**ACCREDITATION AUTHORITY.** An entity such as the National Institute of Standards and Technology, the Cement and Concrete Reference Laboratory, the Army Corps of Engineers or another agency designated by the BBRS that field examines and evaluates concrete testing laboratories.

**110.R1.3 Licensing.** Principal laboratories, branch laboratories and project laboratories shall each be licensed by the BBRS in accordance with 780 CMR 110.R1. Each laboratory shall submit a standard application, available at [www.mass.gov/dps](http://www.mass.gov/dps), to the BBRS for approval demonstrating that its facilities, equipment, personnel and procedures meet the requirements of 780 CMR 110.R1. The application shall include a fee as set forth in 801 CMR 4.02: *Fees for Licenses, Permits, and Services to be Charged by State Agencies*. A license and classification (as principal, branch or project laboratory) shall be issued for applications that meet the requirements of 780 CMR 110.R1. Licenses shall expire on December 31<sup>st</sup> of the year issued. The BBRS may review and revoke a license at any time if a laboratory fails to meet the requirements of 780 CMR 110.R1.

To renew a license, laboratories shall submit a fee as set forth in 801 CMR 4.02: *Fees for Licenses, Permits, and Services to be Charged by State Agencies*, and a completed license renewal application, available at [www.mass.gov/dps](http://www.mass.gov/dps), to the BBRS each year 90-days before December 31<sup>st</sup>. The BBRS or its designee, upon review of the renewal application, shall renew the license or notify the laboratory of the reasons for refusal.

**110.R1.3.1 Licensing Proof for Projects.** Laboratories involved with projects having structures subject to "construction control" as required in Chapter 1 of the *International Building Code 2009* with Massachusetts Amendments (780 CMR 1.00) shall submit an affidavit to the project owner for submittal to the building official at the time of the building permit application certifying that the laboratory and its personnel are licensed by BBRS. Affidavits shall also be submitted by any new or successor laboratory prior to engaging in work during the course of a project. A laboratory that plans to terminate services on a project must notify the building official and project owner in writing three days prior to terminating services.

**110.R1.4 Licensing Qualification.** Principal and branch laboratories shall be evaluated by an accreditation authority prior to applying for a license and at least every three years to ensure the laboratory equipment, personnel and procedures qualify for licensing. The accreditation authority shall notify the laboratory of the evaluation date and provide a report to the laboratory with all findings. Evaluation reports received by laboratories shall be submitted to BBRS within ten-days of receipt. Deficiencies shall be corrected within

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30-days and certified by a *laboratory* affidavit sent to the BBRs on the standard affidavit form, available on the website [www.mass.gov/dps](http://www.mass.gov/dps),

**110.R1.4.1 Standards.** *Laboratory* equipment, personnel and procedures shall conform to the standards of ASTM E 329-07 and 780 CMR 110.R1 for testing of concrete and its constituent materials.

**Exception:** The following sections of ASTM E 329-07 shall not apply: Sections 9.3, 9.4, 14, 15, 16, 17, 18, 19, and 20.

**110.R1.4.2 Equipment.** Compression testing machines shall be calibrated and verified, with equipment traceable to the National Institute of Standards and Technology, at least annually or as required by the BBRs, and the results submitted to the BBRs.

**110.R1.4.3 Personnel.** Each *principal* and *branch laboratory* must have a director of testing services, lab supervisor and field supervisor. An individual that meets all three qualifications may fill more than one position at a *laboratory*, but may not fill positions concurrently at a separate *laboratory*. A *project laboratory* must have a full time lab supervisor. Each individual must submit credentials and qualifications under penalty of perjury with signature notarized. Individuals applying for certification in more than one category must file separate applications for each category. Credentials shall be filed within 30-days of employment. The director of testing shall notify the BBRs within seven days of any vacancy of any position. Any vacant position shall be filled within 30-days.

A director of testing shall be a fulltime employee of a *laboratory*, must be able to interpret the results of tests on concrete and concrete aggregates as stated in ASTM E 329-07, and shall be qualified in accordance with one of the following requirements:

1. A professional engineer registered in the Commonwealth of Massachusetts with at least five years of experience in responsible charge of work related to structural engineering, construction engineering or construction materials testing; or
2. A bachelor's degree in engineering from an accredited institution and an additional total of three years experience performing tests on concrete and concrete materials which shall include two years as a *laboratory* technician or supervisor; or
3. At least eight years experience including five years of experience as a lab technician or supervisor.

A lab supervisor shall have at least five years of experience performing tests on construction materials including concrete and concrete aggregates and be licensed as an ACI Class 1 Concrete Field Testing Technician.

A field supervisor shall have at least five years of experience performing tests on construction materials including concrete and be licensed as an ACI Class 1 Concrete Field Testing Technician.

All personnel shall be able to demonstrate their ability by oral or written exam to perform the tests and duties normally required in the manner stipulated by ASTM E 329 07.

**110.R1.5 Revocation and Suspension.** The BBRs may suspend or revoke the license of any *laboratory* found to be in noncompliance with 780 CMR 110.R1, the *International Building Code (IBC), 2009* with Massachusetts Amendments, or the standard of good practice.

Notice of suspension, revocation or refusal to renew a license shall be in writing with the reasons clearly stated, and served in accordance with the Chapter 1 of *International Building Code, 2009* with Massachusetts Amendments (780 CMR 1.00). Prior to issuance of a suspension, revocation or refusal to renew a license, written notice of such intent shall be served by the BBRs or its designee in accordance with Chapter 1 of the *International Building Code, 2009* with Massachusetts Amendments, (780 CMR 1.00). Within ten calendar days of receipt of such notice, the *laboratory* may request a conference before a three-member panel designated by the chairman of the BBRs. The panel shall hear facts and report such findings to the BBRs for its consideration and action.

Upon license suspension or revocation the *laboratory* shall immediately cease testing of concrete and concrete materials for structures subject to "construction control" as required in Chapter 1 of the *International Building Code, 2009* with Massachusetts Amendments (780 CMR 1.00). No action brought before the Building Code Appeals Board as specified in 780 CMR 110.R1 or in any court of competent jurisdiction shall stay this suspension or revocation unless the Building Code Appeals Board or court issue an order for a stay.

**110.R1.6 Building Code Appeals Board.** Any laboratory or individual aggrieved by the suspension or revocation of its license or by an interpretation, order, requirement, direction or failure to act under 780 CMR 110.R1 may appeal to the Building Code Appeals Board as provided in Chapter 1 of the *International Building Code 2009* with Massachusetts Amendments (780 CMR 1.00). However, entry of an appeal shall not stay such revocation or suspension unless so ordered by the Building Code Appeals Board in a preliminary hearing conducted expressly for the purpose of a stay.