

780 CMR 110.R4

LICENSING NATIVE LUMBER PRODUCERS

(Note: 780 CMR 110.R4 is unique to Massachusetts)

110.R4.1 ADMINISTRATION

110.R4.1.1 Scope. The provisions of 780 CMR 110.R4 shall govern the licensing of native lumber producers.

110.R4.1.2 Definitions. The following words and terms shall, for the purposes of 780 CMR 110.R4 and as used elsewhere in 780 CMR, have the meaning indicated in 780 CMR 110.R4.1.2.

BBRS. Board of Building Regulations and Standards.

NATIVE LUMBER. Native lumber is wood processed in Massachusetts by a mill registered in accordance with the regulations (780 CMR) of the BBRS. Such wood is ungraded but is stamped or certified in accordance with Chapter 23 of the *International Building Code 2009* with the Massachusetts Amendments (780 CMR 23.00). Native lumber shall be restricted to use in one-and two-story dwellings, barns, sheds, agricultural and accessory buildings and structures and other uses as permitted by Chapter 23 of the *International Building Code 2009* with the Massachusetts Amendments (780 CMR 23.00).

NATIVE LUMBER PRODUCERS. Persons or corporations in the business of milling wood into native lumber within Massachusetts.

PERSON. Individual, partnership, corporation, trust, joint venture, etc.

110.R4.1.3 Registration. No person shall produce native lumber for use in buildings or structures within Massachusetts unless registered by the BBRS.

110.R4.1.4 Application. Native lumber producers shall apply and furnish qualifications satisfactory to the BBRS in accordance with 780 CMR 110.R4 and qualification requirements provided by the BBRS with the application form.

110.R4.1.5 Registration Fee. Applications shall be accompanied by a registration fee in accordance with 801 CMR 4.02. This initial registration shall be valid for two years.

110.R4.1.6 Renewals. Registration shall be renewed every two years. Within 30 days before the registration expiration date, the BBRS shall forward to each registrant a renewal form. Upon receipt of the completed form and fee in accordance with 801 CMR 4.02, the BBRS shall renew the registration for a period of two years or notify the applicant of reasons for refusal. *Any application for renewal of a registration which has expired shall require the payment of a new registration fee.*

110.R4.1.7 Prequalifying Agent. State Inspectors of the Department of Public Safety shall act as agents of the BBRS to inspect native lumber producing facilities. Upon receipt of a completed application, the State Inspector shall inspect the facility for compliance with the required qualifications and make recommendation to the BBRS.

110.R4.1.8 Penalties. Any person who fails to comply with the requirements of 780 CMR 110.R4 or who falsifies an application shall be subject to the penalties and actions as prescribed in section 114.0 of the *International Building Code 2009* with the Massachusetts Amendments (780 CMR 114.0).

110.R4.2 2 REGISTRATION STAMP

110.R4.2.1 Issuance. Each person registered by the BBRS shall be issued a specific name and number for use in stamping or certifying the native lumber produced at a specific mill.

110.R4.2.2 Contents. Each stamp shall be a minimum of two inches by four inches with a minimum of 36 pt. letters and shall contain the following information.

1. Name of native lumber producer;
2. Registration number; and
3. Species of wood.

Each producer shall be responsible for obtaining stamps made for their use in accordance with the requirements of the BBRS and 780 CMR 110.R4.

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110.R4.2.3 Use. Each piece of native lumber shall be stamped with the name and registration number of the producer in accordance with 780 CMR 110.R4 and bear an approved mark identifying the species of wood. In lieu of stamping, a certification bearing the same stamped information may be provided by the producer for precut or re-manufactured lumber in accordance with 780 CMR 110.R4.

110.R4.2.4 Unlawful Use. It shall be unlawful to use a stamp registered for a specific mill at any other mill.

110.R4.3 REVOCATION AND SUSPENSION PROCEDURES

110.R4.3.1 Revocation and Suspension. The BBRS on its own initiative or upon the recommendation of the State Inspector may suspend or revoke the registration of any mill registered in accordance with 780 CMR 110.R4, 780 CMR or the standards of good practice. Notice of suspension or revocation of such registration shall be in writing with the reasons for suspension or revocation clearly set forth, and served in accordance with 780 CMR 114.0.

110.R4.3.2 Notice and Conference. Prior to suspension or revocation of a registration, written notice of such intent shall be served by the State Inspector in accordance with section 114.0 of the *International Building Code 2009* with Massachusetts Amendments (780 CMR 114.0). Within ten calendar days of receipt of such notice, the affected mill may request a conference with the State Inspector who will hear facts and make their recommendations to the BBRS.

110.R4.3.3 Effect of. Upon suspension or revocation of mill registration, the mill shall immediately cease engaging in the stamping or certifying of native lumber. The filing of an appeal with the Building Code Appeals Board shall stay such suspension or revocation subject to Chapter 1 of the *International Building Code 209* with Massachusetts Amendments (780 CMR 1.00).

110.R4.4 APPEALS

110.R4.4.1 Building Code Appeals Board. Anyone aggrieved by the decision of the BBRS, or others may appeal to the Building Code Appeals Board.