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TO: Restaurant and Commercial Cooking Owners/Operators
FROM: Timothee C. Rodrique, Director
Office of the State Fire Marshal
DATE: August 28, 2009
RE: New Commercial Cooking Exhaust System Regulations

Any person engaged in the cleaning or inspection of commercial cooking exhaust systems after January 1, 2010 must hold a Certificate of Competency issued by the State Fire Marshal. All cleaning and inspections that currently take place shall comply with the new regulation.

Inspections

Under the Massachusetts Fire Code, 527 CMR 11.00 and NFPA 96 – 2008 Edition, commercial cooking exhaust systems shall be inspected for grease build-up in accordance with the table below.

Schedule of Inspection for Grease Buildup

Type or Volume of Cooking	Inspection Frequency
Systems serving solid fuel cooking operations	Monthly
Systems serving high-volume cooking operations such as 24-hour cooking, charbroiling, or wok cooking	Quarterly
Systems serving moderate-volume cooking operations	Semiannually
Systems serving low-volume cooking operations, such as churches, day camps, seasonal businesses or senior centers	Annually

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Based on the results of the inspection, a determination is made by the inspector if the system needs to be cleaned.

Licenses

There are two levels of Certificate of Competency available. Both of these certificates require that the individual pass a written examination offered by the State Fire Marshal's Office.

Type 1: This Certificate of Competency is issued to those individuals who are in the business of cleaning and inspecting commercial cooking exhaust systems. Requires that the individual have inspected/cleaned commercial cooking exhaust systems for a minimum of 500 hours within the past six (6) months.

Type 2: This "restricted" Certificate of Competency is issued for those individuals who conduct cleaning activities for commercial cooking operations that they own or operate.

Cleaning with a Type 2 License

The owner or operator of a commercial cooking operation, or employee thereof, shall not be prohibited from conducting the actual cleaning and grease removal of hoods, grease removal devices, fans, ducts and other appurtenances in their own commercial cooking, as long as the owner or operator holds a "restricted" Certificate of Competency. The restricted Certificate of Competency does not allow the holder of the certificate to conduct cleaning services for other commercial cooking operations. The restricted Certificate of Competency does not allow the holder of the certificate to conduct cleaning services for other commercial cooking operations. Owners and operators will still need to have an individual holding a Type 1 Certificate of Competency conduct all inspections.

Inspections Must be Done by Type 1 License Holders

Inspections must be done by holders of a Type 1 license. Holders of the Type 2 restricted licenses cannot perform inspections, only cleaning of systems on their own property.

Notice of Non-Compliance

If a person holding a Certificate of Competency finds that a commercial cooking operation is not in compliance with 527 CMR 11 (relative to grease build up), a written notice shall be given to the local fire department within 48 hours and a copy to the owner. The form is prescribed in the regulation.

The owner/operator of a building shall maintain all cleaning and inspection records for a period of at least three years.

Additional information regarding this new program can be found at www.mass.gov/dfs, including an unofficial copy of the regulations, applications and exam information.

If you have questions concerning the certificates of competency, please contact Lydia Bogar at 978-567-3700 or by email at Lydia.Bogar@state.ma.us.

If you have questions concerning the regulation, or compliance issues, please contact the Code Compliance Desk at 978-567-3375, or in western Massachusetts at (413) 587-3181.

527 CMR: BOARD OF FIRE PREVENTION REGULATIONS

527 CMR 11.00: COMMERCIAL COOKING OPERATIONS

Section

- 11.01: Purpose and Scope
- 11.02: Adoption by Reference
- 11.03: Modifications of Provisions of NFPA 96
- 11.04: Issuance of Certificates of Competency to Conduct Inspections and Cleaning of Commercial Cooking Operations

11.01: Scope and Purpose

The scope of 527 CMR 11.00 is to establish minimum fire safety requirements (preventive and operative) relating to the design, installation, operation, inspection, cleaning and maintenance of all public and private commercial cooking operations. 527 CMR 11.00 shall not apply to:

- (1) cooking equipment located in a single dwelling unit; and
- (2) the construction standards for newly constructed or substantially modified Commercial Cooking Operations built in accordance with the provisions of 780 CMR, *The State Building Code*, 7th Edition.

The purpose of 527 CMR 11.00 is to:

- (a) reduce the potential fire hazards associated with commercial cooking operations in public or private facilities; and
- (b) to establish a minimum acceptable level of competency for those individuals who are engaged in the activity of inspecting and cleaning all commercial cooking operations.

11.02: Adoption by Reference

For the requirements of 527 CMR 11.00, the provisions of NFPA No. 96, *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, 2008 Edition, are hereby incorporated by reference, as modified by 527 CMR 11.03

11.03: Modification of Provisions of NFPA 96

For the purpose of 527 CMR 11.00, the provisions of NFPA 96 shall be modified as follows:

(1) Chapter 3 Definitions.

3.2.2 The definition of Authority Having Jurisdiction shall be revised to read as follows:

Authority Having Jurisdiction. The head of the fire department.

3.2.4.1 Add the following definition: Marshal, the State Fire Marshal.

3.3.9 The definition of Certified shall be revised to read as follows:

Certified. A person who has been deemed by the Marshal to be qualified to inspect and clean commercial kitchen operations and has been issued a Certificate of Competency under 527 CMR 11.00.

3.3.38 The definition of Qualified shall be revised by adding the following sentence:

With respect to the inspection of exhaust systems pursuant to section 11.3 and the cleaning of grease buildup related thereto, the word Qualified shall mean a person who holds a Certificate of Competency issued by the Marshal under of 527 CMR 11.00.

(2) Section 11.4 Inspection for Grease Buildup.

Section 11.4 shall be revised to read as follows: The entire exhaust system shall be inspected for grease buildup by a certified person in accordance with the schedule set forth in Table 11.4.

11.03: continued

Table 11.4: Schedule of Inspection for Grease Buildup.

Type or Volume of Cooking Frequency	Frequency
Systems serving solid fuel cooking	Monthly
Systems serving high-volume cooking operations, such as 24-hour cooking, charbroiling, or wok cooking	Quarterly
Systems serving moderate-volume cooking operations	Semiannually
Systems serving low-volume cooking operations, such as churches, day camps, seasonal businesses, or senior centers	Annually

Add the following subsection after the provisions of Section 11.4:

11.4.1 If the head of the fire department determines that the exhaust system of such operation has not been inspected pursuant to Section 11.4 for grease buildup within the past 12 month period, the head of the fire department shall issue an order to cease such operation pending such inspection. Section 11.4.1 shall not limit the ability of the head of the fire department to issue such other reasonable orders relating to compliance with 527 CMR 11.00.

(3) Section 11.6 Cleaning of Exhaust Systems. Add the following language after the provisions of Section 11.6.1:

11.6.1.1 The word Acceptable shall mean a person who holds a Certificate of Competency issued by the Marshal.

11.6.1.2 The owner or operator of the Commercial Cooking Operation, or employee thereof, shall not be prohibited from conducting the actual cleaning and grease removal of hoods, grease removal devices, fans, ducts and other appurtenances of his or her own Commercial Cooking Operations, as long as said owner, operator, or employee holds a "restricted" Certificate of Competency issued by the Marshal. However, this provision does not allow such owner, operator, or employee to conduct such cleaning services for any other commercial kitchen operation.

11.6.1.3 A qualified individual who will be offering or conducting cleaning or inspection services shall hold a Certificate of Competency issued by the Marshal.

Add the following language to Section 11.6.13: The content, size, design and placement of any label shall be prescribed by the Marshal.

Add the following language after the provisions of Section 11.6.14:

11.6.14.1 If a qualified individual determines that a Commercial Cooking System, after cleaning or inspection thereof, is not in compliance with 527 CMR 11.00, relative to grease buildup and related contaminants, said individual shall, within 48 hours notify, in writing on a form prescribed by the Marshal, the authority having jurisdiction of the location of said system and the nature of such non-compliance. A copy of said form shall also be given to the owner and operator of the system.

11.03: continued

11.6.14.2 A record of each inspection for grease and related contaminants and each cleaning activity relating to grease buildup shall be produced by the qualified person who conducted said inspection or cleaning. Said record shall include: the date of inspection, location, the Certificate of Competency number of the inspector or cleaner, and such other information as determined by the Marshal. A copy of such record shall be maintained by (1) the operator within the building or structure where the system is located and (2) the qualified person who conducted said inspection or cleaning activity. Such records shall be open to the inspection of the authority having jurisdiction during regular hours of operation and shall be maintained for a period of at least three years.

11.04: Issuance of Certificates of Competency to Conduct Inspections and Cleaning of Commercial Cooking Activities

NFPA 96 2008 Edition is hereby amended by adding after Section 11.7.2, the following new sections:

11.8.1 Effective January 1, 2010, each person engaged in the cleaning or inspecting of Commercial Cooking Operations in the Commonwealth, must possess a valid Certificate of Competency issued by the Marshal.

11.8.2 The Marshal shall establish qualifications relating to the issuance of the following types of Certificates of Competency:

- (a) Type 1. To those individuals who conduct cleaning or inspection activities for the general public;
- (b) Type 2. "Restricted", to those individuals who actually conduct cleaning activities for commercial cooking operations that they own or operate or their employer owns or operates.

11.8.3 A written application for a Certificate of Competency, in such form as may be prescribed by the Marshal, shall be submitted to the Marshal Together with the Established Fee

11.8.3.1 Any applicant who will be offering cleaning or inspection services to the general public shall provide acceptable written documentation to the Marshal that said individual has actually engaged in the activity of cleaning or inspection of Commercial Cooking operations for the general public for a period of time of at least 500 hours within the past six months. If the individual is employed by another person, said statement shall be made by the employer. The statement shall be in writing on company letterhead. The Marshal may develop forms for the purposes of confirming the 500 hours of experience.

11.8.4 Every applicant for a Certificate of Competency shall, as a condition to receiving such certificate, be at least 18 years of age and shall successfully pass a written examination administered by the Marshal or the Marshal's designee or such other examinations, or portions thereof, acceptable to the Marshal. Such examination shall determine the applicant's ability, knowledge, and skill in relation to the type of certification sought. Such examinations shall be held at such times and at such locations as the Marshal or the Marshal's designee may determine. The Marshal may allow an applicant to submit test results from an examination given by a third party certification entity, taken within two years of the date of application, if the Marshal determines that said test measures the applicant's ability, knowledge and skill level in a manner equivalent to or greater than the test administered by the Marshal or the Marshal's designee.

11.8.5 The Certificate of Competency shall contain the following information and such other information as the Marshal may prescribe:

- (a) Name and address of applicant
- (b) Certificate number, MA-CC-(number)
- (c) Type of certificate, including restrictions if applicable
- (d) Date of birth
- (e) Photograph (supplied by applicant)
- (f) Date of expiration

11.03: continued

11.8.6 The holder of a Certificate shall notify the Marshal of any change of address, in writing, within 14 days of such change.

11.8.7 Every person holding a valid Certificate of Competency shall carry said certificate on his/her person at all times while conducting cleaning or inspection activities and shall, upon demand of the Marshal or the head of the fire department or their designees, produce said Certificate.

11.8.8 Suspension or Revocation of Certificate of Competency: Upon receiving a written complaint, supported by reasonably complete and accurate information from a head of the fire department or from the Office of the State Fire Marshal, the Marshal may, after notice and the opportunity for a hearing, suspend or revoke any Certificate of Competency issued pursuant to 527 CMR 11.00, based upon reasonable cause to believe that the continued activity of inspection or cleaning by the holder of said certificate would constitute a threat to public safety.

11.8.9 Renewal of Certificates; Fees: All Certificates shall be valid throughout the Commonwealth for a period of three years. Said certification may be renewed upon submission of an application for renewal as prescribed by the Marshal, accompanied by the appropriate fee. The applicant shall provide sufficient evidence of completion of any required course of continuing education study that may be required by the Marshal.

REGULATORY AUTHORITY

527 CMR 9.00: M.G.L. c. 148, §§ 9, 10 and 28.