

**THE WORKERS' COMPENSATION
RATING AND INSPECTION BUREAU OF MASSACHUSETTS**

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CIRCULAR LETTER NO. 1801

To All Members and Subscribers of the Bureau:

**FENCE ERECTION - ALL TYPES
CODE 6400**

EFFECTIVE AUGUST 1, 1998

The Commissioner of Insurance has approved a filing, following a hearing, that changes the classification phraseology of Code 6400 from "Fence Erection - Metal" to "Fence Erection - All Types," clarifies the scope of the classification and specifies the date that the filing becomes effective.

The filing was approved after this Bureau ["WCRIB"] and the State Rating Bureau ["SRB"] submitted two stipulations and an amended filing memorandum. In the first stipulation, the WCRIB and the SRB agreed that the WCRIB's filing memorandum that provided for the change in the classification phraseology for Code 6400 would be amended by adding an explanatory footnote to the revised classification phraseology as follows:

Fence Erection - All Types.....6400

Off-site manufacturing, on-site fabrication from raw materials, and erection of stone walls or fences to be separately rated.

In accordance with the second stipulation, the filing was approved to apply to new and renewal policies effective on or after 12:01 A.M., August 1, 1998.

The parties further agreed that, for purposes of this filing only, approval of the stipulated effective date should not be construed to adversely affect any classification-related appeal pursuant to M.G.L.c.152 sec. 52D or sec. 65K, filed by any policyholder with respect to a policy with an effective date prior to August 1, 1998.

It was indicated in the Filing Memorandum that it has been the Bureau's practice to assign Code 6400 "Fence Erection - Metal" to any Massachusetts business that erects prefabricated fences, regardless of whether the fences are chain link metal, wooden, or plastic. It has been the Bureau's position that businesses engaged in the erection of *all types* of prefabricated fences are exposed to the same hazards, namely those entailed in digging post holes, pouring concrete in the holes, inserting fence posts in the holes, and attaching the fence rails to the posts.

The approval of this filing assures the equitable treatment of all fence erectors within Massachusetts and maintains the integrity of the data underlying the rate and rating values for Code 6400.

Revised manual pages reflecting these changes will be issued in due course.

NORMAN R. FONTAINE
Vice President of Industry Affairs