

STATE FIRE COMMISSION MEETING
WV Fire Marshal's Office • Charleston, WV •

July 25th, 2019

The official business meeting was called to order at 10:05 a.m. by Chairman Grant Gunnoe.

ROLL CALL: by Kathryn Burns

Commissioners Present

None

Commissioners Conference Call In

Doug Estep, Edward George, Grant Gunnoe, Phil Hart, Martin Hess, Thomas Keefer, Jim Oldaker, Mark Stroop, Virgil White, Doug Mongold and Counsel Stacy Nowicki.

Commissioners Absent

Dave Camp, Carl Eastham and Ted Shriver

APPROVAL OF MINUTES

Commissioner White a motion to accept and approve the minutes of the June 7th, 2019 Fire Commission Meeting. Commissioner Hart seconded the motion.

No Comments.

With all the ayes and nays having been taken on a voice vote, the motion passed.

UNFINISHED BUSINESS:

1. Consideration of State Fire Code

Marshal Tyree – The Fire Commission is proposing a revision to the Fire Code to update certain NFPA standards, as well as adopting other regulations and requirements not formerly included in the most recent revision to the Rule.

During the Public Comment Period, no written comments were received. A public hearing was noticed for July 16th, 2019, at 10:00am. No members of the public attended the public hearing, and no comments were received.

Technical clean-up was made to the Rule.

This summarizes the topics upon which comments were made to the West Virginia State Fire Commission of the Fire Code, 87 CSR 1.

No Comments or questions.

Commissioner George made a motion to accept 2020 State Fire Code 87CSR1 as proposed by the Fire Marshal's Office to be presented to the Legislature for consideration. Seconded Commissioner White.

No Comments.

With all the ayes and nays having been taken on a voice vote, the motion passed.

2. Consideration of the State Building Code

Marshal Tyree - The Fire Commission is proposing a revision to the Building Code to remove conflicts with State Law, update the ICC/ANSI Standard for American National Standards for Accessibility & Usable Building Facilities from the 2009 edition to the 2017 edition, update the NFPA Standard for the National Electric Code from the 2014 edition to the 2017 edition, and remove outdated and unnecessary language.

Prior to the Commission's initial filing of the Rule, a stakeholder meeting was held at the office of the State Fire Marshal on May 17, 2019, and, along with members of the Fire Commission, and the Office of the State Fire Marshal. The proposed rule was reviewed, and revisions made, prior to the Commission's consideration and approval for initial filing with the Secretary of State for Comment.

During the public comment period, the Commission received written comments from two entities and are outlined as followed. These are the requested amendments and the answer the Office recommends to the Commission.

- 1) The American Chemistry Counsel Plastics Division requests that the Commission adopt either the 2015 or the 2018 IECC code for residential construction.

Answer: The Building Code provides a minimum standard for building in the State of West Virginia. A builder or consumer may adopt any level of construction that has a standard greater than that of the 2009 standard, currently in place. As long as the 2015 or 2018 IECC codes are above the minimum standard, there is no prohibition on a builder using those standards, as such the Commission will not be adopting this change.

A motion was made by Commissioner White to reject the proposed change as requested by the American Chemistry Counsel and to approve the wording, seconded by Commissioner Hess.

No Comments.

With all the ayes and nays having been taken on a voice vote, the motion passed.

- 2) Marshal Tyree – The National Association of Home Builders (NAHB) requests that the rule be revised to remove the requirement that AFCI devices be installed in residential dwelling units, including one-and two-family homes, while leaving it in place for hotels, motels, and dormitories.

Answer: The standard as proposed in this rule by the Commission is necessary to protect life and property.

No questions or comments.

A motion was made by Commissioner George to reject the proposed change as requested by the NAHB, and approve the wording, seconded by Commissioner White.

No Comments.

With all the ayes and nays having been taken on a voice vote, the motion passed.

- 3) Marshal Tyree - The Home Builders Association of West Virginia (HBAWV) requests that the rule be revised to remove the requirement that AFCE devices be installed in residential dwelling units, including one-and two-family homes, when a receptacle is replaced, but do not remove the requirement from dormitories.

Answer: The standard as proposed in this rule by the Commission is necessary to protect life and property.

Tim Cunningham from the HBAWV - There is nothing that gives them any indication that these devices have prevented a fire. The data provided was not correct. The cost and the problems they create does not justify the code requiring them. His experience is that there isn't any data to support that proves it protects. The cost is prohibitive as well once you take the initial cost and multiply it out during the duration of a loan it is prohibitive. His information came from the NHBA.

Commissioner Gunnoe – Has it been in the Code?

Marshal Tyree - It has been in the code for 3 cycles. Staff recommendation is to leave it in. It was in the 2014 and 2011 and the office doesn't see any justification to remove it based on the data provided.

Commissioner Gunnoe – So it wasn't exempted but they are asking that it be exempted now?

Mr. Cunningham – This was originally proposed in 1999 and we have spoken against it since then.

No other comments or questions.

A motion was made by Commissioner Mongold to reject the proposed change as requested by the HBAWV and to approve wording, seconded by Commissioner Hess.

Council Nowicki – Is the Commission okay with the wording provided? The Commission replied in the affirmative.

With all the ayes and nays having been taken on a voice vote, the motion passed.

Insert 4 if there are notable differences.

- 4) The National Association of Home Builders requests that the rule be revised to remove the requirement for tamper resistant receptables in one-and two-family homes.

Answer: That the Commission accepts this comment and revision has been made to section 4.1.k of the Rule by adding a subdivision entitled 4.1.k.1.

Commissioner Gunnoe – Is the rule concerning tamper resistant devices new in the code?

Tyree – No it is not.

Mr. Cunningham - 1999 was the first they saw anything on it.

Marshal Tyree – The staff recommends to the Fire Commission that they accept their recommendation.

Commissioner Gunnoe - Has this been required in new construction?

Marshal Tyree – Yes it has.

Mr. Pauley – It is common to get requests to remove the devices and it is not well received by the public. Older people in particular.

Mr. Cunningham – Safety plugs that you can use are easily seen. These tamper resistant plugs you can't tell if these devices have malfunctioned. It is much easier to see the child safety cap. If you have them in your home, you would understand. They are hard to use, and you can't tell if they fail. It got adopted into the code without any data to show they worked.

Commissioner Gunnoe – Have you requested this be removed in the past.

Mr. Cunningham - Yes

Commissioner Oldaker – I have concerns about stepping backwards but agree with this proposal. He is aware the homeowners are changing them back out. He understands where the builders are coming from.

Commissioner Gunnoe – There is still some concern because not everyone leaves the safety plug in.

Commissioner Stroop – Is this in reference to one-and two-family residents?

Marshal Tyree - Yes

Commissioner Stroop – So essentially this is not something the Fire Marshal has jurisdiction over, if so I feel we shouldn't remove something we have jurisdiction over.

Commissioner Gunnoe – Any motion to amend?

Gunnoe – Any motion to reject?

A motion was made by Commissioner White to reject the proposed change as requested by the HBAWV, and to correct wording, seconded by Commissioner Mongold.

Counsel Nowicki asked for clarification on the wording. The Commissioners chose to use the same wording as in 3rd request which was, the standard as proposed in this rule by the Commission is necessary to protect life and property.

With all the ayes and nays having been taken on a voice vote, the motion passed.

Marshal Tyree summarized the results of the meeting.

A motion was made by Commissioner White that no recommended changes were accepted, and it will be sent as previously presented, seconded by Commissioner Hess.

No Comments.

With all the ayes and nays having been taken on a voice vote, the motion passed.

NEW BUSINESS:

None

TIME AND PLACE OF NEXT MEETING(S):

August 14, 2019 Committee Meetings@ Holiday Inn Express, 681 Flowing Springs Road, Ranson, WV 25438, 304-725-1330 in the Ranson/Jefferson Room at 10:00am

August 15, 2019 Fire Commission Meeting@ the Hollywood Casino, 750 Hollywood Drive, Charles Town, WV at 9:00am.

August 13th, 2019 a cookout will be held at the WV Fireman's Association Convention and the Commission and Staff are invited. More information to follow.

ADJOURN:

Commissioner White made a motion to adjourn at 10:52, seconded by Commissioner Hess, with all the ayes and nays having been taken on a voice vote, the motion passed.
