

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

November 19th, 2019

The official business meeting was called to order at 10:00 a.m. by Chairman Grant Gunnoe.

ROLL CALL: by Kathryn Burns

Commissioners Present

Virgil White, Jim Oldaker, Grant Gunnoe, Thomas Keefer and Douglas Estep.

Commissioners Conference Call In

Edward George, Phil Hart, Martin Hess, Mark Stroop, Ted Shriver, Carl Eastham and Doug Mongold.

It should also be noted that Counsel Stacy Nowicki is in attendance via conference call.

Commissioners Absent

Dave Camp

UNFINISHED BUSINESS:

None

NEW BUSINESS:

1. Consideration of Addition to SFMO Policy and Procedures.

Marshal Tyree explained the two proposed additions for Data Analyst and Field Deputy Fire Marshal-Fire Service Division.

Questions - None

Commissioner White made a motion to accept the additions, seconded by Commissioner Keefer With all the ayes and nays having been taken on a voice vote, the motion passed.

2. Consideration of §87.4 State Building Code

Commissioner White made a motion to go into Executive Session 10:04am, seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote the motion passed.

Commissioner White made motion to come out of Executive Session at 10:38am, seconded by Commissioner Keefer. With the ayes and nays having been taken on a voice vote, the motion passed.

Chairman Gunnoe explained the Legislative request asking for changes to the §87.4 and invited the speakers forward

Jack Jamison (Electrical Inspector representing International Association of Electrical Inspectors-IAEI) – They are in support of adopting the 2017 NEC but he understands there is some resistance to the tamper resistant receptacles. The original devices had gates that bound but the new receptacles have been improved. The number one item that older persons have issues with are the air fresheners and that is with the older tamper resistant receptacles. The new ones function much better. The AFCI have also evolved. The new ones are combination or series parallel. In addition, there are combination AFCI or GFCI. AFCI fire protection and GFCI are people protection. The significant difference between 2014 and 2017 is the receptacle in crawl space. There have been numerous workers that have been shocked by breaking a bulb. We are here about safety not the dollar amount. We also are here about the ISO rating and that rating is based on the adoption of the current codes. We get penalized if we don't stay current. Money goes around but there are many sides to that money. The cost is relatively insignificant. You are talking \$1000.00 for most new homes.

Commissioner Gunnoe – Are you are in favor of adopting the 2017 without any exceptions.

Mr. Jamison – Yes

Chairman Gunnoe – Any Questions?

Mr. Jamison - We don't want to go backwards.

Tim Cunningham (Contractor representing the Home Builder Association of WV-HBAWV) –I am a contractor for 40 years I won't argue about life safety. Kids though will get around tamper proof receptacles (He displayed one of the devices with a set of keys stuck in the receptacle). You can't replace good parenting. As for the complaints they receive they hear is hard to plug into them get call backs on them all the time, older folks particularly. I served 3 years on the International Code Council in the area of mechanical electrical plumbing. They looked at correcting codes that didn't work as they were intended. The device may look good on the surface but just don't work. A third of the issues they heard were requests to make amendments to correct things that don't work. We should go back to the plastic plugs as they worked. The Arc fault the technology is not all that great and they cause problems. When you do the math on that \$1000.00 (Cost for the average new home build to install) for the length of a loan it adds up. Several other states have stepped back to previous codes such as only having Arc Faults in bedrooms. We have numerous nuisance call outs to correct issues and no they don't want to step backwards.

Chairman Gunnoe – Was there any movement on the Board?

Mr. Cunningham - No it is about a 50/50 split and the manufacturers keep promising better equipment.

Chairman Gunnoe – Who makes up the Board?

Mr. Cunningham- Various people, special interests are represented. They aren't just master electricians.

Chairman Gunnoe – Has the technology gotten better?

Mr. Cunningham – I don't think so. Sometimes you can turn something off and trip the arc fault.

Chairman Gunnoe – Do they trip quicker than a regular breaker?

Mr. Cunningham – Yes for example a customer bought an inexpensive bathroom fan and 75% of the time it tripped.

Chairman Gunnoe – So a better fan would have worked?

Mr. Cunningham – It was UL listed and a name brand.

There was a discussion about the areas the ARC Faults are required

Chairman Gunnoe – So for the past 20 years they have been ARC faults required at some level, but the argument is do the issues with the devices outweigh the benefits.

Mr. Cunningham – Newer apparatuses don't cause as many issues.

Chairman Gunnoe – Are there any questions? Thank you, Mr. Cunningham.

Dale Oxley (Past resident and representing HBAWV) – Everyone please look at the handouts and in particular Ohio. I am the kind of guy who does fall on the fact there are some additional costs involved. The tamper proofs isn't really a monetary issue it is a convenience issue. You asked Mr. Cunningham how many folks complain about tamper proofs. I would say 85 to 90 percent when they know. He personally took a scolding when they changed out a receptacle in a mantel. The homeowner stated they couldn't believe he bought two bad receptacles and installed them. He asked what she meant, and she said she can't install her Christmas lights in her mantle, and they need to be taken out and replaced. He explained that you have to replace with code, and she requested the old ones be put back, that she didn't want them. The safety issue he gets but the dollar amount is not that big of a deal. She would have rather paid to have the old one put back than replacing it with a new tamper proof. I don't know how you fight that. Maybe you amend it at a certain level or as Mr. Cunningham suggested go back to putting the child plugs in. I don't think it is financial I think it is convenience. When it comes to ARC faults the first time I had a problem was about 2005 and you had to do them in bathrooms and they were doing them for code. Sweepers would trip them. The problem there is the cost of a normal breaker and a GFCI breaker you are looking at about \$1000.00 per house in cost. Well you say that is only about \$1000.00 in electrical and it did exactly as you wanted then that \$1000.00 is well served but as Mr. Cunningham has illustrated that they can be circumvented very easily. You haven't solved the problem you have deterred it for the lazy child but not the determined child. We are now legislating, and I am wondering how much Siemens has to do with this legislation. A few years ago you were only putting a couple GFCI breakers in and a couple ARC fault and now we are on the path of 100% and we are spending over \$1000.00 to do this in the houses we are building. In a 1300 square foot at 100% compliance you are spending that \$1000.00 We are killing the affordability in housing with something that isn't going to do what it was intended to do. Other states, 28 of them have said we can amend these codes, get the majority of it and remove the ARC faults. If you are only doing them in bedrooms as Ohio did you are only talking about 4 issues. We as a State association and as a National association feel that \$1000.00 is a big enough number to look at the changes since they are

not providing the protection that was sought. I am not against going to the 2017 but I would encourage the amendments that can be agreed upon to better serve our constituents, our homeowners. Especially in the affordable housing level. I would love to have someone from Habitat explain how they are affected. I would ask that we amend that ARC fault to some level. Not go backwards safety is paramount but I don't think we are throwing out something on the level of smoke detectors. We have a product that doesn't work that well and therefore we should follow the 28 other states and amend this at some level.

Chairman Gunnoe – I know some of the states have done it at different levels. I guess a few may have eliminated them completely. What do you think on the ARC Fault? In 2014 they were required in what rooms?

Jack Jamison - All rooms except the bathroom, the unfinished basement, the exterior and the garage, the ones that probably had GFCI. AFCI combination series parallel. Mr. Cunningham mentioned older homes that had common neutral That item tripped as it should have. There is no neutral, grounding termination after the service disconnect on a properly wired home or business. There is no grounding connection after the service disconnect. So that breaker was working as it should have.

Chairman Gunnoe – We are wanting to be reasonable. Obviously, we and you all (those in attendance) put safety first. What can we do and still maintain that level of safety? I am sure if you are building or wiring a home you want to do it safely. What do you think would still present a level of safety and yet be reasonable to keep from some of the nuisance call backs and some of the cost regarding the ARC Fault?

Mr. Oxley – I am not an electrician. If I see there is a fire or death that the Fire Marshal investigated the first thing I am going to hear is that there was no working smoke detector. I am not hearing as of yet that we are having a rash of deaths or injuries caused by ARC fault situations, especially in new housing. To me I am very concerned with the ARC Faults in the sense of has the manufacturer out there pushed it just because that is the evolution of this. Or is there enough data that says we are saving lives or preventing accidents by producing this product.

Chairman Gunnoe - We do have data that noted that says in the last ten years while residential house fires have increased but Electrical causes have decrease 14%. Whether it is part of that we don't know but there is a trend of electrical fires going down. I think some of that would have to do with the code.

Mr. Oxley – I concede that information because typically the average age of a house fire is 20 plus years old correct?

Chairman Gunnoe – Common sense would tell us the fires are more likely in older homes.

Mr. Oxley – A good example. 10 or 15 years ago, I had a good friend who was selling his home. The home inspector came in and said there no grounding mechanism on any of the receptacles. His friend being just an average Joe went and bought all new three prong receptacles fixed that problem. The home inspector okayed it, but you can't have a grounded receptacle when there is no ground wire. So, the issue was we put in something we thought was working but is wasn't doing any difference that what it was doing in 1958 when the house was built. That is my only concern. Is the product doing what it is supposed to do? What we are seeing the homeowners are not going to use

the right way and as we have shown the tamper proof really aren't tamper proof. Let's go back to ground faults. I can put 4 ground fault receptacles in line and put one \$13-16 dollar GFCI receptacle in that wall and it covers that whole bathroom or I can go to the panel and put a \$58.00 dollar that will cover the whole bathroom. To me why not put the GFCI in the bathroom so if it kicks, I can reset it right there? Again, though I am the guy who is only dealing with the money side. If I can fix that product for \$15 dollars rather than \$58 dollars or lets say \$20 versus \$58 then why not do the \$20 dollar and be done with it.

Gunnoe – The Fire Commission had previously voted to present the code without the changes. What is your thoughts that is still safe and reasonable that the homeowners and builders that would work for the compromises?

Cunn- Go back to the 2011 code where they would only be put in the bedrooms and be done with it.

Gunnoe – I think it was before that.

Oxley – You can amend the 2017 and rewrite the ARC Faults to whatever we want. You could do something that didn't make sense but you could do it. We appreciate being here and value this process. This process works, it has worked since we were in the belly of the Capitol 12 to 15 years ago and go energy codes. They appreciate being involved with this. He likes Ohio's and Virginia amended their 2015 to limit ARC fault to bedrooms.

Gunnoe – You would have to go back to 08. What I am taking from that do you as a homebuilder and you as an Electrical Contractor do you like the idea of limiting to just the bedrooms on the no fault. What would be the general reason for that?

Marshal Tyree – Why did they start in bedrooms?

Lawrence Rossi – May I speak?

Gunnoe _ Yes and your name is?

Lawrence Rossi – Lawrence Rossi I am an Electrical Inspector. The reason they started in the bedroom was due to them having beds shoved against the wall, getting in and off the bed rubbed the plug, sparks happened, and they ignited dust bunnies. That is where they began and one of the reasons they began where they did, but I can speak to the ARC Faults personally working in experiences when I have had investigations we have done where a dry wall screw has pierced a romex wire by using a longer screw inadvertently. A standard circuit breaker held all day long but the ARC Fault tripped immediately. It did its' job. We had a lady who lost half of her home because she used the romex wire to hang her laundry. Cot hanger rubbed the cord, there was a spark and it ignited the house. An ARC Fault breaker would have eliminated that. I understand there is nuisance tripping but in most cases they have been older appliances or older electronics that have somehow tripped it. You don't know how much they are saving because no one reports having to reset a breaker. He has seen cases where someone put a screw through something or hung clothing on romex. When ground faults came along in the very beginning everybody complained but electrocutions went down. Don't remove safety. I can see why you need them. Everyone is in a hurry and will use the 3" screw because they can't find the 1 ¼. I have seen that happen. Please really consider this before you make any changes.

Chairman Gunnoe – That sort of goes in line with some of the research I have done. Part of the reason I saw and maybe it was an opinion, with so many of the electrical recliners with the small cord that runs from the receptacle to the motor in the recliner and that gets pinched. Items with the smaller cords are causing a problem.

Lawrence Rossi (representing IAEI) –So many of our appliances are coming from overseas. Some of them are UL listed some aren't. The institution of ground fault protection on appliances within six feet of the sink is coming along because the appliances are faulting and hurting people. If you remove the safety device ahead of it then what about the next person. The garage door opener there are proven facts that when an opener faults it does so from earth via the track. So a kid touches the door and has bare feet and it is over. If you start eliminating things that have been put in for whatever reason whether it is convenience or cost one life saved is well worth the money.

Chairman Gunnoe – Thank you sir. Do you have anything else Mr. Oxley?

Mr. Oxley – I am good.

Chairman Gunnoe – Any Commissioners have any questions for Mr. Oxley? (none)

Jack Jamison – Can I make two comments? AFCI protection is circuit protection. It is protection of the entire circuit from the panel to the devices, appliances, lightening and whatever is plugged in. Which allows you protection from the too long screw, possibly the furnace man or even an electrician who does the wrong thing. AFCI is protection of the entire circuit from fire caused by arcing. GFCI is protection of the individual at 4 to 8 milliamps of a appliance. If you put it in at the receptacle it starts at the point and there is no AFCI protection on a ground fault circuit that does not have the requirements for the circuits in that location.

Chairman Gunnoe – Mr. Rossi do you have anything else you want to say? Ms. Skeen?

Regina Skeen (representing HBAWV) – No.

Chairman Gunnoe - Are there Commissioners who have any questions or comments? (none)

Commissioner Oldaker –Mr. Chairman looking at that. I have heard everything and have a little bit of a background. From a practical standpoint I am not convinced that we would be making things more unsafe to look at the exemption similar to that of OHIO. That is my input on it. I would not feel uncomfortable doing that but understands that others may not be comfortable doing that.

Chairman Gunnoe – My understanding is that we have two options. We thought we had to make a decision today, but meetings have been moved to mid-December, so we don't have to make a decision today. Is there anyone who wants to make a motion to make a motion to exempt these items individually or is there a motion to table this until our December meetings to take more time to study this I would entertain those motions. Either way we need a motion by a member of the Commission to take any action at all. Mr. Oxley has a question for us.

Mr. Oxley – More of a statement. I can provide from Ohio why they choose to adopt their code as they did at December's meeting if so needed.

Chairman Gunnoe – Is that on the ARC fault?

Mr. Oxley – On all of the amendments Ohio made.

Commissioner Mongold motion to table the matter until the December Fire Commission meeting seconded by Commissioner Oldaker. With ayes and nays having been taken on a voice vote the motion passed.

Chairman Gunnoe - One thing we hate to do is to delay something, but I don't see where that is causing any problems. The matter will be put on the agenda for the December meeting.

Meeting note - Mr. Oxley and Mr. Cunningham spoke on behalf of amending the code. Mr. Jamison and Mr. Rossi spoke on behalf of not amending the code.

TIME AND PLACE OF NEXT MEETING(S):

December 5th, 2019 Committee Meetings@ Stonewall Resort 940 Resort Drive Roanoke, WV 26447 888-278-8150at 9:00am.

December 6th, 2019 Fire Commission Meeting@ Stonewall Resort 940 Resort Drive Roanoke, WV 26447 888-278-8150at 9:00am.

ADJOURN:

Commissioner White made a motion to adjourn at 11:30am, seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.
