

SPECIAL MEETING OF THE WV STATE FIRE COMMISSION

7/30/2026

Via Conference Call

The official business meeting was called to order at 10:02am by Chairman Grant Gunnoe

ROLL CALL: by Kathryn L Burns

Commissioners Present

Steven Byers, Carl Eastham, Doug Estep, Edward George, Grant Gunnoe, Phil Hart, Tom Keefer, Brian Jones, Doug Mongold, Ted Shriver and Virgil White.

It is noted that Counsel Brandolyn Felton-Ernest is in attendance as well.

Commissioners Absent

Jim Oldaker

UNFINISHED BUSINESS:

The order of business was changed to accommodate the needed discussion on 87CSR4.

2) Consideration and approval to file 87CSR6 (Certification and Evaluation of Local Fire Departments)

No Public Comments Received.

Commissioner Eastham made a motion authorizing Counsel/Staff to file a Notice of Agency Approval of the proposed rule (87CSR6) with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote the motion passed.

3) Consideration and approval to file 87CSR10 (VFD Equipment and Training Grant Fund)

No Public Comments Received.

Commissioner Eastham made a motion authorizing Counsel/Staff to file a Notice of Agency Approval of the proposed rule (87CSR10) with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote the motion passed.

4) Consideration and approval to file 87CSR11 (Specialized Member)

No Public Comments Received.

Commissioner White made a motion authorizing Counsel/Staff to file a Notice of Agency Approval of the proposed rule (87CSR11), with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote the motion passed.

5) Consideration and approval to file 87CSR12 (Junior Firefighters)

No Public Comments Received.

Commissioner White made a motion authorizing Counsel/Staff to file a Notice of Agency Approval of the proposed rule (87CSR12), with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote the motion passed.

6) Consideration and approval to file 87CSR14 (AFFF)

No Public Comments Received.

Commissioner George made a motion authorizing Counsel/Staff to file a Notice of Agency Approval of the proposed rule (87CSR14) with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote the motion passed.

1) Consideration and approval to file 87CSR4 (Building Code)

a) Consideration of Public Comments

Marshal Tyree noted that over 30 Public Comments had been received, of which the greatest majority came in support of 1) Extension of the Sunset provision; 2) Updating the Editions of the ICC Codes to a more current edition, generally the 2024 ICC Codes and the 2023 NEC.

Letter of support were received from: Bobby Doyle (Town of Star City) Marty Lewis (City of Weston), Billy Smith (City of Charleston), Deborah Watt (Berkeley County Building Permits), Jay Buuserman (City of Martinsburg), Common Council and Mayor (City of Westover) 2 from Logan County Commission, Anita Wooten (Beckly Code Enforcement), Antonia Edwardson (AIA West Virginia) Scott Jolliff (West Virginia Code Officials Association, Avi Smith-Rose (International Code Council), Christopher Graham (City of Beckley), Rober Goodwin (Jefferson County Department of Engineering, Planning and Zoning), Susan Johnson, (City of Charleston) Suson Economou (West Virginia Municipal League), Justin Koscher (Polyisocyanurate Insulation Manufacturers Association), G. Edgar Gochenour (Berkeley County Commission), Chief Martin Roberts (Berkeley County Fire Department), Travis Losser (City of Fairmont), Emily Muzzarilli (City of Morgantown), Mike Ramsey (City of Milton), Darren Pevarnik (Town of Hedgesville), Bobby Palmer (Fire Marshals Association of West Virginia), Rick Healy (City of Moundsville), Joe Richmond (City of Moundsville), Dan Edman (City of Moundsville), and Danielle Harmon (City of Moundsville).

Marshal Tyree provided a summarization of the additional following public comments received and the Staff's recommendation on each of them.

Paulette McGhie of RESNET (Residential Energy Services Network) recommended striking 4.1.f which was a part of the ICC code relative to air exchanges,

Per Marshal Tyree - If the 2024 ICC is adopted for our climate zone, it matches exactly what the recommendations were from the Stakeholders so it was Staff's recommendation that the language does not need to be added or edited.

Thomas Deary of AHRI (Air-Conditioning, Heating and Refrigeration Institute) had the following recommendations:

1109.2.5 Refrigerant pipe shafts.

Refrigerant piping that penetrates two or more floor/ceiling assemblies shall be enclosed in a fire-resistance-rated shaft enclosure. The fire-resistance-rated shaft enclosure shall comply with Section 713 of the International Building Code.

Exceptions:

1. Refrigeration systems using R-718 refrigerant (water).
2. Piping in a direct refrigeration system using Group A1 refrigerant where the refrigerant quantity does not exceed the limits of Table 1103.1 for the smallest occupied space through which the piping passes.
3. Piping located on the exterior of the building where vented to the outdoors.

Reason:

Regarding Exception 2, IMC Table 1103.1, Refrigerant Classification, Amount and OEL provides limits for the quantity of refrigerant that can be released to the atmosphere without creating a fire or human health hazard. IMC Table 1103.1 is duplicated from ASHRAE Standard 34, Designation and Safety Classification of Refrigerants Table 4-1, Refrigerant Data and Safety Classifications.

Restricting the shaft exception to systems using Group A1 refrigerants is inconsistent with the safe limits premise of IMC Table 1103.1 and Standard 34, Table 4-1. There is no need to restrict the use of any refrigerant provided the release of which does not exceed the tabular safety limits. This change is consistent with the 2027 International Mechanical Code. 1109.3.2 Shaft ventilation.

Per Marshal Tyree - Based on this comment it is staff's recommendation to make a technical edit as follows:

ADD

4.1.c.1.D.4. 1109.2.5 Refrigerant pipe shafts.

Refrigerant piping that penetrates two or more floor/ceiling assemblies shall be enclosed in a fire-resistance-rated shaft enclosure. The fire-resistance-rated shaft enclosure shall comply with Section 713 of the International Building Code.

Exceptions:

1. Refrigeration systems using R-718 refrigerant (water).
2. Piping in a direct refrigeration system using Group A1 refrigerant where the refrigerant quantity does not exceed the limits of Table 1103.1 for the smallest occupied space through which the piping passes.
3. Piping located on the exterior of the building where vented to the outdoors

Mr. Deary of AHRI second comment was:

1109.3.2 Shaft ventilation.

Required refrigerant pipe shafts with systems using Group A2L or B2L refrigerant shall be naturally or mechanically ventilated. Refrigerant pipe shafts with one or more systems using any Group A2, A3, B2 or B3 refrigerant shall be continuously mechanically ventilated and shall include a refrigerant detector. The shaft ventilation exhaust outlet shall comply with Section 501.3.1. Naturally ventilated shafts shall have a pipe, duct or conduit not less than 4 inches (102 mm) in diameter that connects to the lowest point of the shaft and extends to the outdoors. The pipe, duct or conduit shall be level or pitched downward to the outdoors. Mechanically ventilated shafts shall have a minimum airflow velocity in accordance with Table 1109.3.2. The mechanical ventilation shall be continuously operated or activated by a refrigerant detector. Systems utilizing a refrigerant detector shall activate the mechanical ventilation at a maximum refrigerant concentration of 25 percent of the lower flammable limit of the refrigerant. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant from a leak will concentrate. The shaft shall not be required to be ventilated for double-wall refrigerant pipe where the interstitial space of the double-wall pipe is vented to the outdoors.

Reason:

This is a companion proposal to the above proposal to amend IMC Section 1109.2.5 to allow exception 2 for all refrigerants as is permitted by ASHRAE 15-2022, Safety Standard for Refrigeration Systems, and will be permitted by the 2027 IMC (M75-24 is on the consent agenda for the 2027 IMC). If that proposal is accepted many refrigerant pipe shafts for A2L refrigerants would no longer be required because the maximum amount of refrigerant that could be released would be within the safe release limits specified by the IMC in Table 1103.1.

Where no shaft is required, A2L refrigerant piping could be run through stud cavities as permitted by Sec. 1109.2.2. (Note that Sec. 1109.3 requires that A2L piping systems comply with the provisions of Sec. 1109.3.1 for protection against physical damage).

If a shaft is not required, but the designer chooses to run A2L refrigerant piping in a shaft anyway for ease of construction, the requirements of Sec. 1109.3.2 should not apply. A refrigerant leak in a non-required shaft would be no more hazardous than a refrigerant leak in a stud cavity. If the stud cavity would not require ventilation and drainage, then a nonrequired shaft should not require ventilation and drainage

Per Marshal Tyree - Based on this comment it is staff's recommendation to make a technical edit as follows:

ADD

4.1.c.1.D.5. 4.1.c.1.D.4. 1109.3.2. Shaft ventilation. Required refrigerant pipe shafts with systems using Group A2L or B2L refrigerant shall be naturally or mechanically ventilated. Refrigerant pipe shafts with one or more systems using any Group A2, A3, B2 or B3 refrigerant shall be continuously mechanically ventilated and shall include a refrigerant detector. The shaft ventilation exhaust outlet shall comply with Section 501.3.1. Naturally ventilated shafts shall have a pipe, duct or conduit not less than 4 inches (102 mm) in diameter that connects to the lowest point of the shaft and extends to the outdoors. The pipe, duct or conduit shall be level or pitched downward to the outdoors. Mechanically ventilated shafts shall have a minimum airflow velocity in accordance with Table 1109.3.2. The mechanical ventilation shall be continuously operated or activated by a refrigerant detector. Systems utilizing a refrigerant detector shall activate the mechanical ventilation at a maximum refrigerant concentration of 25 percent of the lower flammable limit of the

refrigerant. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant from a leak will concentrate. The shaft shall not be required to be ventilated for double-wall refrigerant pipe where the interstitial space of the double-wall pipe is vented to the outdoors. For refrigeration systems used in residential occupancies serving only a single dwelling unit or sleeping unit, shaft ventilation shall not be required where the pipe or tube is continuous without fittings in the shaft.

Marshal Tyree also noted another technical change that is needed per the State Fire Marshal's Office:

In section 7.2 plans examiner needs to be added following "building codes inspectors".

Ms. Cornelia Wu of NEEP (Northeast Energy Efficiency Partnership) comment in their letter included a recommendation of adoption of ASHRAE 90.1-2025 instead of ASHRAE 90.1-2019.

Per Marshal Tyree - The consensus of those in the Stakeholder's meeting was to adopt ASHRAE 90.1-2019 and as such it was staff's recommendation to reject the comment.

Commissioner Shriver made a motion to accept Staff's recommendation based on the comments received from RESNET, AHRI and the State Fire Marshal's Office, and to authorize Counsel to make the necessary changes/edits, seconded by Commissioner Eastham. With the votes having been taken on a voice vote, the motion passed.

Commissioner White made a motion to reject the recommended changes from NEEP, seconded by Commissioner Eastham. With the votes having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion authorizing Counsel/Staff to file a Notice of Agency Approval of the proposed rule (87CSR4) with approved edits/changes, with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote the motion passed.

Commissioner George made a motion for Counsel to make any necessary technical changes to any of the rules on the agenda, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote, the motion passed.

TIME AND PLACE OF NEXT MEETING(S):

Committee Meetings - 10:00am Tuesday, August 11th, 2026, and Commission Meeting 9:00am Wednesday, August 12th, 2026, will be held at Cacapon Resort, Berkeley Springs WV.

ADJOURN:

Meeting adjourned without objection at 10:32am.