

**UNOFFICIAL
STATE FIRE COMMISSION MEETING
CHARLESTON, WV
JUNE 29, 2009**

The official business meeting was called to order at 10:00 AM by Chairman Charles Eversole.

COMMISSIONERS PRESENT:

Charles L. Eversole, Chairman
Chuck Runyon, Secretary
James L. Oldaker

Bill L. Spencer, Vice Chairman
Randy James
Ted Shriver

COMMISSIONERS ABSENT:

Dale L. Clayton
Carl Sizemore
Bob Sullivan

Larry Goodwin
Victor Stallard
Virgil White

INTRODUCTION OF GUESTS

Don Iverson, NEMA
Kenneth Bolyard, WVIAEI
Paul W. Linger, WVIAEI
Kelly A. Bragg, WV Division of Energy
Robert Talbott, Brewer
Ken Tyree, FMAWV
Corey Roblee, ICC

STAFF PRESENT:

Sterling Lewis, Jr., State Fire Marshal
Nancy Olson, Secretary
Debbie Hudson, Secretary
Joe Leake, Deputy Fire Marshal

UNFINISHED BUSINESS

Chairman Eversole stated the purpose of this emergency meeting is the approval process for the State Building Code and State Fire Code to be presented to the Legislature for passage in the 2010 Session.

Former Commissioner Guffey will be giving the report. He was the hearings examiner throughout this process and will give the report. The new Commissioner as of June 23, 2009 is Mr. Ted Shriver who has replaced Mr. Guffey on the Fire Commission.

Mr. Guffey stated on June 16th, public hearings were held on the Fire Code and Building Code.

FIRE CODE: Mr. Guffey stated the meeting lasted 17 minutes. Six (6) people spoke and all were in favor of adopting the 2009 NFPA Codes. There were some comments received. All comments received in writing will be responded to by the Fire Marshal's Office in writing. Deputy Fire Marshal Leake stated on one comment there was a change they wanted to make on one section. Mr. Guffey stated the Fire Commission will recommend that the 2009 NFPA Codes be sent to the Legislature for their review. At that time, when the Legislature reviews the code, changes can be made through amendments. The public has another opportunity to make changes, add things, delete things so this is not the final chance to respond.

Commissioner Spencer made a motion that the Fire Commission vote in favor of moving forward with the Fire Code to send the 2009 NFPA Codes to the Legislature for their review. Commissioner Runyon seconded the motion. Commissioner Oldaker asked if the Committee's recommendation is to remove any of the current language in the Fire Code. His concern was the exemption of those NFPA Standards that relate directly to the operations of fire departments. He was told no, they were referring strictly to the 2009 NFPA Codes. The ayes and nays having been taken on a voice vote, the motion passed.

BUILDING CODE: Mr. Guffey stated the public hearing for the building code lasted longer. There were 10 people that spoke and it was equally divided between those in favor of the building code as it is now and those opposed some sections of the Building Code, primarily the Home Builders. The Home Builders' concerns were twofold: (1) Sprinkler provisions for one and two family dwellings which if the International Residential Code passes, by the year 2011, all new one and two family dwellings will require sprinklers. There was testimony from the sprinkler people and the home builders. There was vigorous opposition to that. (2) the Electrical Code and two items which have been specifically brought up are the requirement for arc fault circuit breakers and the other item opposed by the Home Builders was the tamper resistant receptacles. Mr. Guffey stated that arc faults are now required by the current code in bedrooms. They now require ground faults in bathrooms and kitchens, laundry rooms and outdoors.

Mr. Guffey stated there was a bill passed in the Legislature, promulgation of rules in statewide building codes. This rule states "The State Fire Commission shall propose a rule for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code regarding the 2009 edition of the International Energy Conservation Code. The rule shall set forth in the state building code the standards and requirements for residential buildings contained in the 2009 edition of the International Energy Conservation Code. The State Fire Commission shall propose a rule for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code regarding the American National Standards Institute/American Society of Heating, Refrigeration and Air Conditioning Engineers/Illuminating Engineering Society of North America Standard 90.1-2007." And they repeat that language for commercial buildings. The code that the Fire Commission will be voting on to go forward would be the 2007 ASHRA 90.1 Energy Code which will replace the International Energy Conservation Code and the International Residential Code energy provisions.

Fire Marshal Sterling Lewis, Jr. stated the intent of the Legislature and the Governor's Office was to bring the codes up to the 2009 requirements. Marshal Lewis stated it is staff's recommendation that the Governor's intent was to bring the codes up to the 2009 standards. There is an Energy Conservation Code but it is 2003 and this code brings it up to the 2009 code.

Mr. Guffey stated the 2009 International Energy Conservation Code references the 90.1 2007. This is not needed for the new 2009 Building Code.

Mr. Guffey stated they would go forward with the codes as written. Anyone who objects to revisions in the building code or the electrical code or the energy conservation code will have the opportunity to bring that to the Legislature.

Each comment needs to be voted on as to accepting or not accepting that comment into the code. Discussion followed.

Fire Marshal Lewis stated it is the feeling of the Fire Marshal's Office that it is their intent to make buildings, whether residential or commercial, the safest they can be against fire. Their stance and recommendation to the Fire Commission is to allow the codes to progress as they are until they get to the Legislature and allow the Governor's Office and the Legislature to act on it.

Commissioner Oldaker made a motion to accept the sprinkler provisions as written. Commissioner Spencer seconded the motion. Discussion followed. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Runyon made a motion to accept the arc fault circuit breaker as written. Commissioner Spencer seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Oldaker made a motion to accept the tamper resistant receptacles as written. Commissioner James seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to move forward the 2009 ICC Building Code to the Legislature for passage. Commissioner Oldaker seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

ADJOURN

Commissioner Runyon made a motion to adjourn. Commissioner Spencer seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Respectfully submitted,

Sterling Lewis, Jr.
State Fire Marshal