



PENNSYLVANIA ASSOCIATION OF BUILDING CODE OFFICIALS

"Helping to Build a Safer Pennsylvania"

www.paofficials.com

522 LEESE ROAD
NEEDMORE, PA 17238
717-573-2694
717-573-2700 FAX
rbuddenbohn@nfis.com

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Honorable Chairman Mundy

Honorable Chairman Hennessey

Honorable Members of the House Committee on Aging and Older Adult Services

Good morning! My name is Jim Franey. I am the owner of Contractors Inspection Services, Ltd., of Mohnton, PA, a third party agency certified by the Department of Labor and Industry under the regulations of the Uniform Construction Code.

I am also the current president of PABCO, the Pennsylvania Association of Building Code Officials, Inc.

Accompanying me today is Pete Schilling of Commonwealth Code Inspection Services, Inc. Pete is a member of the PABCO Board of Directors and will assist me in answering questions you may have after my brief testimony.

PABCO is the Pennsylvania State Professional Chapter of the International Code Council (ICC). A non-profit association, PABCO represents almost 1000 UCC certified code officials in the Commonwealth of Pennsylvania. Its membership consists of both municipal and third party agency officials, from urban, suburban and rural areas of the Commonwealth. Its membership represents all geographic regions of the Commonwealth. PABCO's municipal, third party agency and COG members serve over 1750 municipalities throughout the state.

House Bill 1952 would require the installation of Carbon Monoxide Detectors in residential facilities with care-dependent individuals, including:

- Assisted living residences
- Personal care homes
- Long-term nursing care facilities

The bill would also require DEP to test and approve Carbon Monoxide Detectors as complying with UL 2034 or an equivalent standard, and certify that the detectors bear the label of a nationally-recognized testing laboratory (such UL).

The bill would require DPW (for assisted living residences and personal care homes) and DOH (for long-term nursing care facilities) to establish exemptions if no potential carbon monoxide hazard exists for the regulated facility. It would also require DPW and DOH to determine the required number and placement of Carbon Monoxide Detectors for each regulated facility.

The very heart of PABCO's mission is to protect the life and safety of building occupants through building and related codes. Our mission is consistent in this respect with the mission of the International Code Council (ICC).

And yet, the ICC Code Change Committee that has oversight for proposals pertaining to carbon monoxide detectors has once again unanimously rejected a proposal to require CO detectors in dwelling units. This rejection occurred at the end of February, and was in regards to proposals to require CO detectors, effective with the 2009 adoption of the International codes.

The rationale for the rejection has remained fairly consistent over the years. The manufacturers of the devices have been unable to satisfy the ICC technical committee that the devices are reasonably reliable. Because of the lack of confidence in their reliability, the ICC is not willing to require their installation for fear that homeowners (and others) will place an undeserved amount of trust in the detectors working the way in which they are intended. In addition to historical problems with their reliability, proper installation, including location, is so critical to their effectiveness.

PABCO continues to take the position that mandated installation of CO detectors is a scientific, technical, building code-related safety issue that belongs under the domain and watchful eye of the ICC Code Change Process. If and when the ICC general assembly approves the mandated use of CO detectors, PABCO will be the first one pushing to make sure that everyone knows of the requirement and how to accomplish it.

In the meantime, this bill and others like it, while well-intentioned, should defer to the codes and standards that have been adopted under the Pennsylvania Construction Code Act, Act 45 of 1999 as amended, and the body that approves changes to them (International Code Council).

This bill would create a false sense of security because of the unreliability of the detectors.

Furthermore, the bill wants to allow DPW and DOH to determine how many detectors are needed and where they should be placed, whereas the manufacturer installation instructions that are required for all detectors that comply with the UL 2034 standard already address this issue, and any deviation from the manufacturer installation instructions basically voids the warranties that accompany the detectors and contribute even more to their inconsistent reliability.

The UL standard for these detectors is based on placement in single family residences, not in group or congregate living facilities.

The UL standard requires that these detectors must be checked monthly and the back-up batteries must be replaced annually. This places a huge responsibility and liability on the owners and operators of these regulated facilities, particularly in light of the unreliability of the detectors.

Given the prescribed role in this bill for DEP, DOH and DPW, I would also be concerned with the potential liability that might rest with those state agencies should their involvement in regulating carbon monoxide detectors in these facilities unfortunately "go awry" and contribute to injuries or fatalities.

And finally, requiring DPW and DOH to determine when a potential carbon monoxide hazard exists and when it does not exist goes above and beyond the normal scope of operations of those two agencies. Evaluating the presence or absence of fossil-fuel burning equipment and appliances (the most common source of carbon monoxide in dwelling units, when improperly installed or maintained) is not always as simple and easy as it appears. In addition, more and more "modern" fossil-fuel burning appliances and equipment have safety features and methods of installation that either eliminate or dramatically reduce the potential for dangerous levels of carbon monoxide from forming inside of the structure.

DPW and DOH do not have the experience or the personnel who are trained in identifying appliances and equipment that render the structure to be "at risk" for carbon monoxide accumulations and those which are "not at risk".

Hopefully, you will see that there are many apparent and hidden pitfalls in HB1952. Carbon monoxide detectors and their required installation should be an issue that is addressed by the building and mechanical codes we have adopted for statewide enforcement in Pennsylvania. And again, if and when the International Code Council becomes convinced through testing and documentation of the reliability of these detectors, their installation will undoubtedly become required by our statewide code...at which point PABCO will step to the forefront to assure that all code officials are aware of their required installation and to enforce those requirements.

Thank you for the opportunity to be with you this morning. Pete and I will now entertain any questions you may have.