



October 1, 2
P.O. Box 11026 • Tall

We discovered a typo in the previous letter that was sent to you. Please discard that letter and use this one. We apologize for the mix up.
Thank you!

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Mo Madani
Planning Manager
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Dear Mr. Madani:

I am writing on behalf of the Florida Natural Gas Association (FNGA) membership to express our concern regarding the Florida Building Commission's (FBC) current deliberations on the installation of carbon monoxide (CO) alarms in Florida buildings, as required by Section 553.885 F.S. The FNGA is a non-profit trade association representing investor-owned and municipal natural gas distributors, interstate pipeline companies, appliance and equipment manufacturers and distributors and other entities providing products and services to the Florida natural gas industry. Our local distribution members provide natural gas service to residential, commercial and industrial consumers throughout Florida.

In an August 12, 2008 conference call, the MTAC approved a series of recommended interpretations of Rule 9B-3.0472 F.A.C., in response to Petition for Declaratory Statement DCA08-DEC-207, received on July 8, 2008. Several of our member companies participated in the MTAC conference call where the recommendations were adopted. Given the various technical and procedural difficulties experienced during the conference call, there was no reasonable opportunity to provide industry input to the committee or gain a better appreciation of the recommendation. We appreciate that the FBC is working to reduce meeting costs and will continue to improve its tele-conference meeting process. It is our understanding that we will be able to outline the natural gas industry's positions on CO alarms to the MTAC and full commission during the October 14 and 15, 2008 FBC meetings in Tampa. The following discussion is offered to provide an overview of FNGA concerns prior to the upcoming meetings.

FNGA is troubled by our reading of the FBC Mechanical Technical Advisory Committee's (MTAC) recommendations. The MTAC recommendation appears to expand the scope of the required CO alarm installations beyond the new construction applications intended by Section 553.885 F.S., to include existing buildings. The MTAC recommendations, if adopted, would require hard-wired CO alarm installations in existing buildings where existing electric

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FNGA is troubled by our reading of the FBC Mechanical Technical Advisory Committee's (MTAC) recommendations. The MTAC recommendation appears to expand the scope of the required CO alarm installations beyond the new construction applications intended by Section 553.885 F.S., to include existing buildings. The MTAC recommendations, if adopted, would require hard-wired CO alarm installations in existing buildings where existing electric

appliances are converted to a combustion fuel or new combustion fuel appliances are added. The CO alarms would be required in existing buildings even though the sole permitted activity was the installation of a combustion appliance. The MTAC recommendation would also require the installation of hard-wired CO alarms in existing buildings if an addition is constructed where the addition includes combustion appliances or an attached garage. The entire existing structure would be required to comply, not just the addition.

In FNGA's view, the adoption of such interpretations would be an inappropriate expansion of the scope of CO alarm installations intended by the Florida Legislature when Section 553.885 F.S., was enacted. Both Section 553.885 F.S. and Rule 9B-3.0472 state that CO alarms are required in buildings, "...for which a building permit is issued for new construction..." In addition to the original construction of a new building which is clearly covered under the statute and rule, the MTAC recommendations would require CO alarms in additions, level 3 alterations and in certain changes of occupancy. FNGA generally has no objection to the application of CO alarm requirements when permits are issued for the above project types. Even though a level 3 alteration and a change of occupancy occur in existing buildings, they represent significant modifications to the building or its intended use and can be reasonably construed as "new construction". The conversion of an appliance to natural gas in an existing building is not a substantive modification to the building.

The legislature had every opportunity to enact a CO alarm standard that would have specifically applied to existing buildings. The legislature could have adopted a standard that required a CO alarm whenever a new source of CO is introduced into an existing building. The statute could have also established requirements for hard-wired CO alarms. However, the legislature chose to limit the applicability of the statute to new construction. The Florida statutory language is similar to new construction CO alarm statutes adopted in several other states. The "new construction" CO alarm standards have been enacted specifically to avoid the problems that are created when a hard-wired CO alarm is mandated for existing buildings.

The language in Rule 9B-3.0472 essentially mirrors the statutory language. The rule development history provides an additional indication of the intent to apply the Rule solely to new construction. The original Notice of Proposed Rule, issued June 8, 2007, in Section (2) of the rule text failed to stipulate that that the rule applied to new construction. A subsequent Notice of Change/Withdrawal issued in July 2007 amended the proposed rule to add the new construction applicability language as required by statute. Unfortunately, the statute, the rule and the building code do not effectively define "new construction". Until the statute can be clarified it falls to the FBC to implement the statute in a reasonable manner. Expanding the scope of the statute to include existing buildings as proposed by the MTAC is inappropriate. Any such

expansion of the applicability of Section 553.885 F.S. should be the sole purview of the legislature.

FNGA members have long supported the installation of CO alarms in new buildings and actively participated in the legislative and rule-making processes that resulted in the current Florida CO alarm standard. At the end of the day, the most important consideration is public safety and the well being of our customers. In fact, the natural gas industry has expressed support for more broad reaching CO alarm installations than those required by current law. FNGA would favor the installation of CO alarms in all new buildings not just those with attached garages or combustion appliances. As an interim step, FNGA could also support the installation of CO alarms in existing buildings which have an existing attached garage or combustion appliances when any building permit is issued, not just permits for “new construction”.

Expanding the current statutory requirements to include any existing building with an existing attached garage would improve consumer protection by significantly increasing CO alarm installations and level the competitive playing field between the gas and electric industries. There appears to be sufficient justification to support such an action. Recent history has indicated that there are significant and growing CO issues related to automobile exhaust and the improper operation of portable generators. In addition, smoldering fires in any building, with or without an attached garage or combustion appliances can produce dangerous CO levels. FNGA members would support an initiative by the FBC to seek a revision to Section 553.885 F.S. that adopts CO alarm requirements as described above.

One of the central problems in adopting CO alarm standards for existing buildings is the cost of installing hard-wired CO alarms in existing buildings, especially residences. Requiring hard-wired CO alarm installations in existing residential buildings where a gas appliance is added (or in an addition with a combustion appliance or attached garage) would result in significant increased costs to homeowners. In most cases, an additional contractor (electrician) would be required to install the CO alarm wiring. In two story residences with split bedrooms, three to five CO detectors could be required. Recent discussions with several electricians indicated installation costs ranging from \$150 to over \$1,000 for the alarm(s) depending on home configuration. The current MTAC recommendation also appears to apply the hard-wired CO alarm requirement to other existing building types. For example, in the case where an addition to an existing building is permitted and the addition includes an attached garage or combustion appliance, the entire existing building would be required to comply with the rule. The addition of such costs to the installation costs of the gas appliances would have a high probability of eliminating natural gas as a fuel option in existing residences. It is likely that such an interpretation would virtually stop the conversion of electric appliances to natural gas, in existing residential buildings.

Given the above cost increases for appliance installations, the natural gas industry would be unable to effectively compete with electric appliances in the existing residence market. In addition to the resulting business losses to the natural gas industry, several Florida energy and climate change policy initiatives would also be negatively affected. The installation of natural gas appliances supports the goals of the Florida Energy Efficiency and Conservation Act (FEECA) and contributes to a reduced need for electric generating capacity. Natural gas appliances produce significantly less full cycle greenhouse gas emissions than electric appliances. Recent Executive Orders issued by the Governor along with analogous legislative action in HB 7135 indicate the high priority of reducing Florida's carbon footprint. The MTAC recommendation could have significant unintentional impacts on the state's energy and climate change objectives.

FNGA offers the following suggested course of action for the FBC with respect to MTAC recommendations in response to DCA08-DEC-207:

- Adopt the MTAC recommendation that require CO alarm installations for additions, level 3 alterations and changes of occupancy as defined by the Florida Building Code.
- Modify the MTAC recommendation that would require a hard-wired CO alarm(s) be installed in the entire existing structure when an addition is constructed with combustion appliances or an attached garage. The FBC should clarify the MTAC recommendation to require a hard-wired CO alarm(s) in the addition, but allow for a plug-in or battery CO alarm in the existing structure. Such an interpretation would not appear to be inconsistent with current Rule 9B-3.0472 language. Section (3) of the Rule states that, "In new construction, alarms shall receive their primary power from the building wiring when such wiring is served from the local power utility." FNGA continues to content that the expansion of the Rule requirements beyond the new construction addition is beyond the applicability scope authorized by the statute. However, we would not object to a reasonably priced CO alarm requirement in such a circumstance.
- Reject the MTAC recommendation that requires a hard-wired CO alarm in an existing building where a combustion appliance is added.

FNGA understands that the FBC is working on a report to the legislature related to CO issues in Florida, due later this year. To the extent that the FBC is interested in proposing changes to Section 553.885 F.S. that expand the scope of CO alarm installations, FNGA would be happy to work with the FBC toward that end. Such a recommendation for legislative action could be incorporated in the FBC report. FNGA would also commit to working with the FBC to draft

appropriate statutory revisions that establish reasonable CO alarm requirements when building permits are issued for existing buildings.

FNGA appreciates the opportunity to comment on the MTAC CO alarm recommendations. Our members look forward to additional discussions during your upcoming meetings in Tampa.

Sincerely,

A handwritten signature in black ink that reads "Tom Geoffroy". The signature is written in a cursive, flowing style.

Thomas A. Geoffroy, President
Florida Natural Gas Association

Cc: David Rogers, FNGA Executive Director
FNGA Codes and Standards Committee