P R O C E E D I N G S
THE CHAIRMAN: Good morning everyone. My name is Kerry Bell, and I'm chair of the Standards Council, and I am going to call this hearing to order. The hearing that we have this morning is on Agenda Item 14-B-2-a-1 related to NFPA 54. As I understand, Mr. Ranfone, you are going to be speaking in support of your appeal to overturn the association's action related to certified Amending Motion 54-2. Is that correct?

MR. RANDOME: That's correct.

THE CHAIRMAN: And Mr. Lemoff, you're going to be speaking against the appeal.

MR. LEMOFF: Correct.

THE CHAIRMAN: So in a moment here we are going to go around the room and have everybody introduce themselves. Before we do that I just want to remind everybody that we have a stenographer typist here. We will be recording today's session. And so with that in mind, for those who will be speaking I ask that you preface your remarks with your name so we capture that on the record.

So let's go ahead and go around the room and have everybody introduce themselves. State your name and affiliation. We'll start here with Dawn, and then we'll go around the table here, and then we'll go around the perimeter of the room.

MS. BELLIS: Dawn Bellis, secretary of the Standards Council

MR. WIXTED: Michael Wixted, assistant secretary, Standards Council.

MR. BEEBE: Chad Beebe, member of Council.

MR. O'CONNOR: Daniel O'Connor, member of Council.

MR. MILKE: Jim Milke, member of Council.

MR. HARRINGTON: J.C. Harrington, member of Council.

MS. MANLEY: Bonnie Manley, member of Council.

MR. SNYDER: Michael Snyder, member of Council.

MR. BUSH: Ken Bush, member of Council.

MR. BRADLEY: Randall Bradley, member of Council.


MR. RANFONE: Jim Ranfone, American Gas Association, Washington DC.

MR. QUITER: Jim Quiter, member of Council.

MR. RICKARD: John Rickard, member of Council.

MR. GOLINVEAUX: James Golinveaux, member of Council.

MS. FULLER: Linda Fuller, NFPA staff.

MR. OWEN: Richard Owen, member of Council.
MS. EVERETT: Sally Everett, legal advisor to the Council.

MS. BEACH: Denise Beach, NFPA.

MS. COUGHLIN: Anne Coughlin, NFPA staff.

MR. BIELEN: Rich Bielen, NFPA staff.

MS. WILMONT: Jacqueline Wilmont, NFPA staff.

MR. COLONNA: Guy Colonna, NFPA staff.

MR. COTÉ: Ron Coté NFPA.

MR. DU BAY: Christian DuBay, NFPA.

MS. MAYNARD: Mary Maynard, NFPA.

THE CHAIRMAN: Thank you very much. The process that we're going to use today is to give each side a total of 10 minutes to provide any introductory remarks that you might want to share with the council. And then we are going to open it up for questions from the council members, and then we're going to close the hearing with an allowance for you to provide any closing remarks that you have within a five-minute time limit for each of you.

So do you have any questions at this point? So if not we'll go ahead and get started with the hearing. Again I want to remind everybody to state your name before you make your remarks.

Mr. Ranfone, go ahead and proceed.

MR. RANFONE: Thank you, Mr. Chairman. I am Jim Ranfone. I'm a managing director for the American Gas Association down in Washington D.C. Our appeal today of course is to overturn the membership action from the annual meeting and to incorporate the proposed revisions regarding modifications and checking modifications for installation of gas equipment either through the weatherization or doing remodeling situations.

Now, AGA, we represent about 200 local energy companies throughout the U.S.

We do not produce gas. We distribute gas but we're very concerned about the safety of the customers, as you well imagine. We have been involved with the National Fuel Gas Code for over 30 years, partnered with NFPA on a number of these issues including the National Fuel Gas Code.

Unfortunately we have a difference of opinion today between Mr. Lemooff and myself on this particular provision which we really believe is a safety issue. That the committee has taken a long time evaluating and has instituted a proposed language that will improve the safety of this code.

What we sent to you as part of the appeal is 9 bullets points. I'm briefly going to go through those since we have a 10-minute period, follow up with a recommendation, and then turn it back to you, Mr. Chairman.

First of all our members support 9 Section 9124 as published in the second revision. We believe that this coverage is necessary in the fuel gas code. Now you are going to hear some other opposition to it saying it's not enforceable. A number of other reasons why it shouldn't be there, but believe me the committee, the public reviewed this particular provision, and it's definitely a safety issue. Mainly because of the increase in weatherization programs as well as remodeling that has happened throughout the U.S. and how that is going to impact installed gas equipment.

That's the fuel gas code, for some of you that may not be aware, has very stringent technical detailed information in how to install gas appliances, how to vent gas appliances, combustion air requirements for gas appliances. We want to make sure that customers receive, certainly we're supportive of natural gas, we want them to get natural gas but use it safely and
efficiently.

Efficiency is a very important
issue for everybody. We all understand
that, but safety should never be
compromised when it comes to installing
gas appliances. That's really what this
is about, the drive for increased
efficiency in buildings, changing
components in buildings, how does that
impact the install of gas equipment.
That's the first issue.

Again this second issue, it does
address a significant safety related
issue. For the last few years because of
this increase in modifications in
equipment, in buildings, rather, we know
this and it's come to our attention and
members' attention, a lot of times
organizations, contractors, are going in
making modifications to structures to
tighten them. They're not looking at the
equipment that is already there,
installed, whether it's a water heater,
furnace, or boiler. That leads to a
situation where it's going to impact the
operations of that equipment; can impact
it negatively.

And all this proposal does is
provide information back to the installer
or contractor to say, hey, take a look at
these other items: venting, combustion
air, make sure you're okay when you leave
that structure that it's operating
correctly. The changes you made, whether
it's insulating a wall or doing something
else, maybe moving something closer to a
vent to a clearance combustible, check it
out before you leave.

The committee is that this is a
safety issue, as I said, the third point,
very important safety issue. So one that
has been overlooked for a while. We've
had some information in the code about
checking on start-up of gas appliances,
but we haven't gone with this, the
committee had not gone this second route
which is make sure that information is
provided to contractors, weatherization
officials, organizations to take a look at
the equipment.

The Fuel Gas Code is a leading
safety code on gas fuel installation.
That's why it belongs in this particular
document. There is some testimony, if you
read the testimony about well it's a wrong
pew right church, wrong pew. Absolutely
not. This is where this information has
to be. Even though it may be a
weatherization program, the information
being provided to those groups that are
doing weatherization or pre-modeling don't
have this information on how to go back
and check and look at the equipment. This
does it.

The fuel gas code needs to
address and have that information
reference. We'll talk a little bit at the
end about how we can work cooperatively
with these other organizations to get more
information out. They're based on the
fuel gas code. Is it enforceable?
Absolutely enforceable.

Now not all programs that are
remodelling or weatherization require
permit, and may not be jurisdiction, but
whether there is, where there is, that
definitely, that provision absolutely can
be enforced by a code official. Doesn't
necessarily mean it will be because it may
not requirement a permit, but a lot of
things in our code, an the electric code
for example, have similar requirements
that are enforceable. This one is. If it
calls to task, if a permit is drawn, they
have to go back and provide the
information that they did check and take a
look at that existing installation and
make sure it was installed correctly,
because when they leave, the customer is
going to be provided with that heating and
water heating based on what was changed.
And if there is something that is changed
their program, we would love for them to
reference the National Fuel Gas Code and
this particular revision so those people
that they certify will have something to
base their decision on when they leave
that structure, when they leave that job
of finishing weatherization or remodeling.
So they’re working with us on this. I’m
not sure where that statement came from,
but we’re definitely working and actually
responding to them because at this point
in time a lot of the organizations are
basically saying we don’t have that kind
of information. Help us.

The Fuel Gas Code Committee is
the committee that has the information.
Let’s pass it on to them. They can either
reference these sections or extract it.
Those are things that are all possible,
but the bottom line is when that job is
done, when the weatherization is done, or
remodeling is done, you want to make sure
that equipment is operating correctly and

hasn’t been impacted by the operation, by
the changes that were made.
This is a safety issue. Now
let me just put it this way. If you in
your particular home or you have a
relative, weatherization programs are
going gangbusters. The Federal Government
is pouring millions of dollars into
weatherizing homes. And when they do
that, they establish groups that are
responsible for that. It’s not going to
happen. We want efficiency too. We want
homes to be more efficient, but when you
do that, you need to make sure that when
they walk out of those homes that the
equipment is operating correctly.
So for example, if you were
having a job in your house or a relative
of yours is having weatherization, what is
the big deal about having a provision that
says by the way, since you have done all
this, since you put new insulation in,
since you caulked, since you modified --
THE CHAIRMAN: Your 10 minutes are about up. So I'll ask you to wrap it up.

MR. RANFONE: I'll wrap it up.

What is the big, why is it such a burden for somebody to say hey, go back and take a look at the combustion air requirements and the venting requirements. It's a safety issue, and this provision needs to be in the code. Thank you.

THE CHAIRMAN: Thank you,

Mr. Ranfone. Mr. Lemoff.

MR. LEMOFF: Thank you. I want to start off by saying I pretty much agree with what Jim said.

MR. RANFONE: That's it.

MR. LEMOFF: He is right. It's a safety issue. However, there's always a but. I am concerned, and I have no problems when a building permit is pulled and you enclose your furnace in a room that it is an important issue when you put insulation in, put new windows in. But the problem is this is much more all encompassing than that.

It covers changing of one window, covers caulking a window, so if I caulk a window in my home or I replace a pane of glass and replace the glazing compound around it, I've changed the air infiltration into the building, albeit slightly. As I read the code is says I have to do this analysis. Well, most handymen either hire or owners don't know about this even if they knew about it don't know how do the analysis. I'm sure the gas suppliers, if it's natural gas the gas company or the propane company many of them won't know how to do this analysis, can be much more costly than say caulking a window or minor repairs. And basically that's my message. It's not a bad idea, it just goes too far. I think --

(interruption by construction noise)

MR. LEMOFF: So in summary, I just want to tell you that while it is a good idea it simply goes too far. And I'm sure, and I'm a committee member, I think it's something the committee should and will look at in the future because I know he is going to come back with this.

THE CHAIRMAN: Thank you very much Mr. Lemoff. Let's open it up to questions from the council members.

Mr. O'Connor.

MR. O'CONNOR: Dan O'Connor, member of council. Gentlemen, I'll pose this question to both of you. Either can answer it. Because safety is at the heart of this, my question is can you guys comment on some background information relative to the existence of any forts of studies or information that points to the safety issue statistically what you've seen? Is there anything out there that points out, indicates the magnitude of this problem or issue?

MR. RANFONE: I don't have any statistical information but we do hear anecdotal information where weatherization programs have been in place now for 3 or 4 years, and there has been some incidents where appliances have had modification of the operation of the appliance has happened because of the changes in the structure due to the weatherization. We don't have any specifics, but certainly the committee when they looked at this felt it very strongly, and they had some information that this was an area of concern, and let's not wait until we get even more information because as I said DOE and the government and remodelling organizations are putting a lot of money into this area, and let's not wait until we have more of a dramatic problem, and that TIA needs to be done quickly. You have this opportunity now to do it.

To answer your question directly I don't have, AGA doesn't have it. We do have anecdotal information, but I believe...
the Fuel Gas Committee did see some
information about it, the number. And
it's almost a common sense thing. Since
all this is happening, since all this
money is going into the weatherization
programs, it is going to happen even more,
and that the individuals that are doing
these programs may not be up to speed on
installing gas appliances. They may not
even know what a gas water heater is or
gas furnace. This is going to help them
do that. This is going to provide them
with some direction on how to handle it.

So it's happening already. The
magnitude I don't know, but millions and
millions of dollars are going into these
programs, and these agencies that are
doing weatherization are asking for this
information.

THE CHAIRMAN: Thank you,
Mr. Ranfone. Please remember to state your
name before you comment.

MR. RANFONE: No problem.

MR. LEMOFF: Ted Lemoff. I am
aware of no studies or data, and as
Mr. Ranfone has indicated, I am also aware
of anecdotal incidents. Mostly they
involve fire departments responding
because of carbon monoxide alarm and/or a
service person responding because the
furnace keeps going out. They find out
that it's going on safety because there is
insufficient air for it to burn properly
and the furnaces all have safety's built
in to look for this. But as far as data,
no. We all wish there were some.

THE CHAIRMAN: Mr. Milke.

MR. MILKE: Jim Milke, member of
council. Mr. Ranfone, a question for you,
I heard Mr. Lemoff say if you change, if
you replace a pane of glass that this
would require a full analysis. How much
do you think a pane of glass would affect
that building's leakage?

MR. RANFONE: This is a common
sense issue. The question that you're
asking and the fact that some of the
opponents are bringing this kind of an
issue up, replacing a pane of glass, is
not going to impact at all.

This particular provision
basically provides an overall holistic
approach to what is going on here. We've
got code. There is a lot of things in our
code and the fuel gas code that can be
interpreted a lot more stringent than they
have. But not this case. This is much
broader than somebody saying well we --
and by the way let's just assume that
interpretation takes place. That somebody
says hey, you replaced a glass you have to
go, you know, what is the big deal about
having that equipment checked? Why can't
they go in? Maybe they won't take a look
and say wait a minute, this venting system
needs to be looked at.

It is not a costly issue. I mean
in this particular case, it's a matter of
understanding the operation of the
equipment, and if it alerts that
technician or that person who put that
window in, for example, to go back and
look at the equipment, that is a good
thing. If they learn about it, then even
if it's to say hey we checked it. Now we
know how to calculate combustion air
requirements. Now we know what the
venting provisions are. That's an
educational program. That's good for
everybody. The weatherization program,
mainly the customer.

So again, common sense. Does it
trigger this massive program where
somebody has to go in with a blower door,
no, absolutely not. So I think
unfortunately, that was portrayed at the
hearing that way, that this is a major
issue. They replace a glass because there
is something about cracked ceilings that
is in the appendix about this.

The bottom line is common sense
is going to take over in this particular
the best thing I can say is if you have to pull a building permit you should do it.
And where they pull building permits, that's good. But for many areas I'm told, I am not a building expert, but that kind/like replacement like windows for windows don't require a building permit. Again that is hearsay to me.

THE CHAIRMAN: Mr. Harrington.

MR. HARRINGTON: J.C. Harrington, member of Council. Question for Mr. Ranfone. This requirement that we're talking about that Mr. Lemoff has said he feels are not necessary and maybe excessive and a lot of it is basic. Would you have any sense either in an amount of hours or dollars what the cost would be for whether someone would need to hire a consultant or whether someone was in a position to take care of these assessments themselves, as to what kind of expense we're talking?

MR. RANFONE: Number 1, I don't really, I'm not really familiar with, I don't really want to respond to a cost issue because it's all over the place.

One thing I want to point out before we get to that question, this change was made to appliances and condition spaces not just -- so that modification is made so if you have a furnace, a closet that is to the outside, you don't have to worry about that.

Getting back to your question, I would say to you that one could -- first of all if they understood what a gas appliance is, what a water heater was, one could be briefed on the requirements for venting in Section 12, Chapter 12, and in Chapter 9 on combustion air, and could be able to assess whether or not adequate combustion air is being provided in that space rather quickly. It's not a computer program, or could be, but I mean this is not a very costly issue for contractors.

What is more important is that we all agree that if a house has a dozen windows, you change one, probably not going to be enough to make a difference.
I think we all agree on that. If you start doing more, yes.

The only real way to quantify this is with a blower door test. Not an inexpensive procedure. I live in a development of new condos and I see them coming out and do it, a guy spends several hours there. The developer shared the reports with me. They go into great detail. But that actually tells you.

But there are estimation methods.
There is one that is in supplement to NFPA 54 handbook. It's hours of calculation.
You have to measure every window, measure all the walls, measure all the doors. It's not a bad method but it's quite detailed and not something for the home improvement contractor. And certainly not the average homeowner.

I agree common sense. I think
they're alerted that they have to do this. In terms of enforcement and cost it's nearly secondary. If it gives them the opportunity to learn what is in the code, probably do it rather quickly. I think Mr. Lemoff and even some of the other opponents against this say this is great. We know there is a real problem out there but this is not the way to solve it.

Tell us how to solve it then.

And to respond to your question, I don't believe it's going to be a massive cost to anybody except the consumer who is going to lose out because they're not going to have their equipment looked at after the program has taken place.

THE CHAIRMAN: Mr. Harrington.

MR. HARRINGTON: Just a follow-up question to you the same, Mr. Lemoff and especially from the perspective that you were given the example before of a handyman or someone else who might not be that astute as to what was involved here and they may or may not be able to this themself or hire someone.

Do you have any sense from your view as to what that expense or cost might be to fulfill the requirements of the assessment?

MR. LEMOFF: Without giving very specific numbers I would say that if it's done by, let's say natural gas utility or HVAC contractor who offers that service, you are probably talking a house call and maybe a little extra time. If you need to know, a blower door test that is much more talking a professional with equipment. The code does require in some cases of knowledge of the air exchange of the building because it triggers which method you can use to calculate combustion air. And so it's very hard to predict. It will be all over the map depending upon how the work gets done and who has done it and what their capability is.

I think it's something that

and propane companies can certainly do. It's not that complicated. But it's not something the average homeowner or handyman or possibly even a window contractor is going to be very interested in doing.

THE CHAIRMAN: Any addition questions? Mr. Quiter.

MR. QUITER: Jim Quiter, member of council. This is probably to either one of you. Was the fact that this is so broad discussed at the committee when it was put forward, or was the first time that this broad language was raised as an issue when it came to the public meeting?

MR. RANFONE: I am not on the committee, but I will tell you that the first version was a lot more restrictive, modifications were made in response to some of the concerns about the overbreadth of this. That's why they eliminated, they minimized it so it would only be applicable to conditioned spaces not unconditioned. And secondly they added the coverage about if you're replacing a roof you don't have to do this. That is not going to be impacting your combustion product.

So there were modifications made, and the committee is certainly open to additional modifications and any clarifications. I think there are only two negatives and NHB which is a proponent of that. I think the committee did everything they could to react to the broadness here and tried to limit it yet not throw out the baby with the bath water on this.

MR. LEMOFF: As Jim said and he was at the meetings as was I, at the first draft meeting there was extensive discussions and there was a proposal on the second draft. I honestly don't remember, but I don't seem to remember this type of discussion at the second
| 33 | draft meeting. At the second draft ballot
| 34 | running when he goes to check, the appliances are running? Is the cooking
| 35 | running all the gas appliances, many of them are automatic. But if it's
| 36 | insulation or building closets around an open appliance, water heater, and furnace

1. I did review it. I believe there were 4 negatives. We had an enforcer from Maine, Peter Holmes, who voted negative saying it was unenforceable, and an installer maintainer who basically pointed out the trivial part of it. But I don't think there, I don't remember extensive discussions on that part at the meeting. And I'm not saying my memory is complete. I just don't remember. Thank you. Ted Lemoff.

THE CHAIRMAN: Thank you.

MR. O'CONNOR: Dan O'Connor, member of council. I have one other comment to the common sense side of all this and the level of expertise somebody might need to go look at the equipment because would it not be true that if somebody, a window contractor replaces a number of windows and then does he not have to think of the fact is the fireplace

running when he goes to check, the appliances are running? Is the cooking exhaust hood running? These are other factors. Are the windows opened or cracked open at another level of the building. All these things would affect the available combustion air for the building. These seems to create some complications. Could you comment on that?

MR. LEMOFF: If I may, that is covered and in the code --

THE CHAIRMAN: Your name.

MR. LEMOFF: Ted Lemoff. There is an annex to the code on doing this type of work, and it does certainly say that when you -- we're looking at wintertime conditions. In the summer you are, assuming no air-conditioning, the summer windows are opened, but if you have central air, probably not running the furnace, so there is not that kind of load. That is the major gas consumption. But in the winter when you are

Leavitt Reporting, Inc.  Page 33 - Page 36
is appropriate for NFPA 54 when perhaps
2 some of these individuals making
3 modifications to the building envelope may
4 not be operating out of NFPA 54?
5 MR. RANFONE: Jim Ranfone. Yes.
6 a lot of the programs BPI, Acker has some
7 other programs, are putting together
8 modifications to the weatherization or
9 remodeling programs to take a look at the
10 existing appliances that are remaining.
11 But what they've also found out,
12 that they aren't the experts in gas
13 combustion and gas venting. They are
14 looking to the Fuel Gas Code Committee to
15 get that expertise into their programs so
16 that they can train their people on these
17 provisions. They have some programs that
18 have right now, some generic language, for
19 example, in some of the weatherization
20 programs, check the proper operation of
21 the appliance after they leave. What
22 does that mean?
23
24 So what they're saying to us, and
25
26 we dealt with BPI working with them on
27 these kinds of issues, tell us what kind
28 of training programs, what kind of
29 provisions can we put together that we can
30 reference.
31 And one ideally would be the
32 National Fuel Gas Code and this particular
33 section because when they looked at our
34 code, that is one of the reasons we really
35 got involved in this. They said, you
36 don't have any provisions in there about
37 what happens under the weatherization
38 program or remodeling program. What can
39 we do? That's why there was a major
40 activity to get this done.
41 They're on the front lines. They
42 want the information. The Fuel Gas
43 Committee has got the expertise to do it.
44 Let's feed that into it. And whether it's
45 by reference, by extraction, whatever.
46 That will give them what they need rather
47 than hey, when you leave make sure the
48 appliances are running correctly. What

of costs are not what we're talking about here in terms of how we are going to safeguard consumers when they have these modifications.

So we believe and we would strongly urge, that's always a good term to use at a hearing, we strongly urge to the Standards Council to incorporate this language, and we'll work on it if it needs some massaging. Let's not wait three years. That's what is going to happen here. If it doesn't go into the 2015, it's going to be out there. There are other codes out there I assure you that will adopt similar kinds of coverage because it's needed out there.

So we want customers to be safe. We want energy efficiency to be out there. It's happening. We want homes to be tighter. Here is your opportunity to do that. So I would just again strongly urge the Standards Council to overturn it. By the way, most of the proponents, if you read the testimony, as you did, say hey this is, we know, we understand this is a problem; but, as Mr. Lemoff said, but what, you had your opportunity, and here is what the committee came up with. These are not people sitting around on the Fuel Gas Code Committee just not having anything to do. They want to progress. They want to move forward. This helps do that. Thank you.

THE CHAIRMAN: Thank you, Mr. Ranfone.

MR. RANFONE: Thank you. THE CHAIRMAN: Mr. Lemoff.

MR. LEMOFF: Tim Lemoff. I just want to again reiterate this is not a bad idea. Simply goes too far, and not my words, but an enforcer on the committee said it's unenforceable.

So I think if it is unenforceable what will happen is they just won't enforce the whole section and not selectively enforce it. If I was an official I would not selectively enforce code, either yes or no on the whole thing. So good idea, simply goes too far, not ready for prime time. Thank you.

THE CHAIRMAN: Thank you. And with that we are going to close this hearing. Before I do I want to thank each of you for taking the time out of your busy schedules to travel to Quincy and sharing your valuable input with the council as part of the NFPA standards development process.

I want to remind everybody that the official decision of the Standards Council will be issued by the secretary, Dawn Bellis, and that no NFPA staff member or council member is permitted to convey any information regarding that decision.

With that we are going to close this hearing and go off the record. (The proceedings adjourned at 8:51 a.m.)

CERTIFICATE

I hereby certify that the foregoing 43 pages contain a full, true and correct transcription of all my stenographic notes to the best of my ability taken in the above-captioned matter at said time and place.

Carol DiFazio
Registered Professional Reporter