



FLORIDA PROPANE GAS ASSOCIATION

October 1, 2008

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

Dear Mr. Madani,

On behalf of the Florida Propane Gas Association (FPGA) I am submitting these comments to you and the Department of Community Affairs for presentation to the Florida Building Commission (FBC) and the FBC Mechanical Technical Committee (MTAC) members. I am President of the FPGA which represents propane gas dealers, marketers, suppliers, installers, and service and equipment companies located all across our state. The propane industry has a great deal of interest and support for the work of your department and the FBC as it relates to setting building standards, energy, appliance and safety requirements.

We have been advised the FBC Mechanical Technical Advisory Committee (MTAC) recently drafted recommendations requiring additional CO detectors in existing structures that will have an adverse impact on consumers and the gas industry. It is our opinion this action goes beyond the legislative intent provide for in Chapter 553.885, FS which clearly addresses new construction. It is our view the MTAC recommendation goes beyond the intent of Section 553.885, FS by requiring CO detectors be hardwired in existing structures where gas appliances are added or replaced. This proposed requirement would adversely impact gas customers by requiring additional construction cost when changing out appliances or remodeling homes.

While safety is always a most important factor when adopting building standards the ultimate cost to consumers has to be at issue as well. It is noted this proposal only allows for hardwired CO detectors which when installed in an existing home could cost customers hundreds or thousands of dollars depending on the structure. If CO detectors are what is needed why not allow battery operated CO detectors to reduce the cost burden on consumers? Why not require CO detectors in every existing home, building or structure when modifications are made?

Given the current climate in Florida and across the country of promoting clean and efficient energy use by consumers, this rule would have the effect of discouraging the use of efficient gas appliances. We question how the implementation of rule would impact the popular trend of consumers switching to cost saving tankless gas water heaters all over Florida. We ask the FBC and MTAC reconsider the proposed rule and give more deliberation to making certain the legislative intent in 553.885, FS is not exceeded and the impact to consumer is not an undue burden and the gas industry is not put at a disadvantage.

Thank you for your consideration and we look forward to continued discussions on this issue.

Sincerely,

Randy Sams  
President of FPGA

# Associated Gas Distributors of Florida

PO Box 11026, Tallahassee, FL. 32301

850-681-0496

October 1, 2008

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

Dear Mr. Mo Madani,

I am writing to express objections to the proposed CO alarm rules proposed by the Florida Building Commission (FBC) Mechanical Technical Advisory Committee (MTAC). The Associated Gas Distributors of Florida (AGDF) is a group of investor owned natural gas utilities serving residential, commercial and industrial customers all across Florida. As President of the Associated Gas Distributors of Florida I have serious concerns regarding the proposed CO alarm rules.

At issue here is the FBC MTAC recommended response to the petition for Declaratory Statement DCA08-DEC-207, requesting an interpretation of the CO alarm requirements included in Rule 9B-3.0472, FAC. First, it seems to us this MTAC recommendation goes well beyond what the Florida legislature enacted into law or intended when applying CO alarm requirements to new construction as provided for in Chapter 533, FS. The MTAC appears to be recommending an expanded scope of CO alarms by requiring them for existing structures when modifications or additions are made or when combustion appliances are exchanged or replaced. The MTAC recommendation, if adopted, would require CO alarms to be hardwired in existing buildings where electric appliances are switched to gas (combustion fuel appliances). The recommendation unfairly singles out gas appliances when there are other sources of CO, including automobiles in garages, misuse of portable generators, etc.

The MTAC recommendation also appears to require the installation of CO alarms hardwired in existing buildings when an addition is constructed and combustion appliances or an attached garage is included thereby requiring the entire existing structure to meet the new requirement. This requirement could be extremely costly to consumers ranging from hundreds to thousands of dollars to hardwire CO alarms in existing homes. This requirement would certainly make consumers less likely to install or exchange to more efficient gas appliances. This seems to us to be in direct conflict with Florida's notable goals of increasing energy efficiency and reducing green house gases, both of which natural gas plays an important role in achieving.

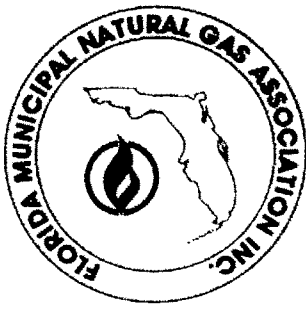
I urge the MTAC to reconsider their proposal and the FBC to not adopt these new CO alarm requirements that would unduly impact consumers and place gas utilities at an unfair advantage with competing energy sources. We will have representation at the upcoming MTAC and FBC meeting in Tampa and welcome the opportunity to further express our concerns and work with everyone involved.

Please contact me if I can offer additional information or answer any questions.

Sincerely,



Stuart Shoaf  
President  
Associated Gas Distributors of Florida



# FLORIDA MUNICIPAL NATURAL GAS ASSOCIATION (FMNGA)

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*Energy Svcs. of Pensacola*

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*Clearwater Gas System*  
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*Okaloosa Gas District*  
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*City of Williston*

## Alabama Member Systems(3)

*Clarke-Mobile Gas District*  
*Geneva County Gas District*  
*Southeast AL Gas District*

October 3, 2008

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

**Subject: Carbon Monoxide (CO) Alarms in Florida Buildings, as Required by Section 553.885 F.S.**

Dear Mr. Madani:

I am writing on behalf of the Florida Municipal Natural Gas Association (FMNGA) 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 FMNGA is a non-profit trade association representing publicly-owned natural gas distributors and trade associates 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 total, FMNGA represents 31 publicly-owned natural gas systems in Florida, which serve customers in 79 cities and 26 counties in Florida.

We understand that 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 representatives of the Florida natural gas industry 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 FMNGA concerns prior to the upcoming meetings.

FMNGA 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 FMNGA'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. FMNGA 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 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.

FMNGA 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. FMNGA would favor the installation of CO alarms in all new buildings not just those with attached garages or combustion appliances. As an interim step, FMNGA 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. FMNGA 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.

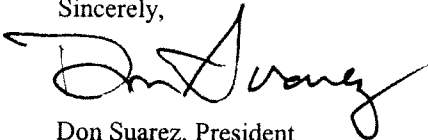
FMNGA offers the following suggested course of action for the FBC with respect to MTAC recommendations in response to DCA08-DEC-207:

- 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." FMNGA continues to contend 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.

FMNGA 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, FMNGA would be happy to work with the FBC toward that end. Such a recommendation for legislative action could be incorporated in the FBC report. FMNGA 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.

FMNGA 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,



Don Suarez, President  
Florida Municipal Natural Gas Association

Copies to: FMNGA Officers  
David Rogers, FMNGA Executive Director  
FMNGA Codes & Standards Committee