

HOUSE BILL REPORT

SSB 5561

As Passed House:

April 7, 2009

Title: An act relating to the installation of carbon monoxide alarms in dwelling units.

Brief Description: Requiring the building code council to adopt rules that require certain buildings to be equipped with carbon monoxide alarms.

Sponsors: Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kline, Fairley and Kohl-Welles).

Brief History:

Committee Activity:

Local Government & Housing: 3/18/09 [DP].

Floor Activity

Passed House: 4/7/09, 95-3.

Brief Summary of Substitute Bill

- Requires the State Building Code Council (Council) to adopt rules requiring carbon monoxide alarms in residential occupancies.
- Specifies that these rules must require carbon monoxide alarms in new buildings beginning in 2011, and in existing structures beginning in 2013.
- Allows the Council to exempt certain buildings.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 11 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle, Miloscia, Short, Springer, Upthegrove, White and Williams.

Staff: Sara del Moral (786-7291) and Thamas Osborn (786- 7129)

Background:

State Building Code Council.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The State Building Code Council (Council) provides independent analysis and objective advice to the Legislature and the Office of the Governor on state building code (code) issues. The Council establishes the minimum building, mechanical, fire, plumbing, and energy code requirements necessary to promote the health and safety of the people of Washington, and is responsible for the review and development of the code in accordance with statutory requirements.

Buildings Classified as Residential Occupancies Under the State Building code.

Residential occupancies, as defined in the code, fall into the following categories:

1. those where occupants are primarily transient, such as boarding houses and hotels;
2. those containing sleeping units or at least two dwelling units. Examples include:
 - apartment buildings;
 - convents; and
 - vacation timeshare properties;
3. detached houses, duplexes, and townhomes; and
4. adult and child care facilities located in homes.

Smoke Detector Requirements.

State law requires that building owners install smoke detectors in all buildings occupied by residents other than the owner, as well as all buildings built after 1980. Tenants are responsible for replacing batteries and maintaining smoke detectors.

After a vacancy, landlords must ensure that smoke detectors are in working order before new tenants move in.

Summary of Bill:

By July 1, 2010, the Council must adopt rules requiring that residential occupancies, subject to specified exceptions, be equipped with carbon monoxide alarms. These rules must require that:

- all newly constructed residential occupancies have carbon monoxide alarms beginning January 1, 2011; and
- all other residential occupancies have carbon monoxide alarms beginning January 1, 2013.

Owner-occupied single family residences legally occupied before the effective date of the act are exempt from rules adopted by the council requiring the installation of carbon monoxide alarms in residential occupancies. However, the seller of an owner-occupied single family residence must install carbon monoxide alarms in accordance with the requirements of the state building code prior to the buyer or any other person occupying the residence following such sale.

Residential tenants must maintain carbon monoxide alarms according to manufacturer specifications, including battery replacement.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 18, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is an improvement on the original bill because it puts the State Building Code Council (Council) in charge. The Council knows how building codes work and is best qualified to write rules about carbon monoxide (CO) alarms.

Many families have lost children and loved ones to CO poisoning. Young, healthy people have lost their lives suddenly, causing great anguish and suffering to families. Death by CO poisoning is not a natural death; it is caused by landlords' failure to install an alarm.

The Washington Poison Control Center has received about 400 calls per year about CO poisoning. The December 2006 storm that hit Western Washington caused the largest storm-related epidemic in history. But CO poisoning is not just connected with storms and power outages. It is also caused by cars left running in garages, or when people ride in the backs of pickups. Carbon monoxide can also pass through walls from garages or neighboring apartments.

Alarms can prevent this. State law already requires smoke detectors in homes. There should be similar requirements for CO alarms, which cost only \$20 - \$35. They go off at 35 ppm CO, the maximum exposure allowed by the Occupational Safety and Health Administration. Jurisdictions that have passed similar regulations have seen a large decrease in CO poisoning - from 50 to 75 percent.

Only 40 percent of people surveyed had CO alarms at home. A large proportion of those poisoned are of lower socioeconomic status, living in rentals and apartments. Because most landlords do not voluntarily install CO alarms, a law is needed to require them in all homes.

All combustion produces CO. It is invisible, odorless, and tasteless. People can't know it's there until they are sick. Often people remain in the area where they are being exposed, thinking they have the flu and should rest.

Carbon monoxide is toxic to humans through a number of pathways. One of these is its interaction with red blood cells, which normally carry oxygen to tissues. Carbon monoxide binds to the red blood cells instead of oxygen, and sickens people through oxygen deprivation. People who don't die from CO poisoning can experience a number of permanent harmful effects, including memory loss and brain injury.

One could argue against yet another law that protects people against themselves. But when facts become strong enough, government acts to protect people. This is not a partisan issue; it is a chance for the government to act on the behalf of its people. While laws like this may be costly to enact, they save lives, and therefore millions of dollars in cost burden to enterprise and government.

(Opposed) None.

Persons Testifying: (In support) Senator Kline, prime sponsor; Neil Hampson, Virginia Mason Medical Center; Jim Williams, Washington Poison Center; Barbara Moilien and Mel Ylarraz; and Darlene Pennock, Rental Housing Commission.

Persons Signed In To Testify But Not Testifying: None.