



North Carolina Department of Health and Human Services
Division of Public Health

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September 25, 2013

POSITION STATEMENT: Carbon Monoxide Detectors Required in Lodging Establishments

PURSUANT TO: Session Law 2013-413 (House Bill 74)

SOURCE: Larry D. Michael, Food Protection and Facilities Branch Head
Environmental Health Section
Division of Public Health

QUESTION / ISSUE:

What is the role of local health departments in enforcement of the requirements of Session Law 2013-413 for installation of carbon monoxide detectors in lodging facilities?

DISCUSSION AND RATIONALE:

Session Law 2013-413 (formerly House Bill 74) requires lodging establishments to install carbon monoxide detectors meeting ANSI/UL 2034 or ANSI/UL 2075 in every enclosed space having a fossil fuel burning heater, appliance, or fireplace and in any enclosed space, including a sleeping room, that shares a common wall, floor, or ceiling with an enclosed space having a fossil fuel burning heater, appliance, or fireplace by October 1, 2013. The law allows use of either battery-operated or electric carbon monoxide detectors to meet that deadline, but further requires carbon monoxide detectors to receive primary power from the building's electrical wiring and have battery backup power by October 1, 2014.

Under S.L. 2013-413, *lodging establishment* means any hotel, motel, tourist home, or other establishment permitted under authority of G.S. 130A 248 to provide lodging accommodations for pay to the public. That includes hotels, motels, bed and breakfast inns, bed and breakfast homes, summer camps, primitive camps, and resident camps. Please note that this law does not apply to institutions since they are under authority of G.S. 130A-235 and not permitted under authority of G.S. 130A-248. Fossil fuel burning heater, appliance, or fireplace includes anything in a building that burns combustible materials to produce light, heat, refrigeration, or air conditioning— including, but not limited to, furnaces, pool heaters, water heaters, space heaters, cooking equipment, boilers, clothes dryers, fireplaces, pilot lights, and light fixtures. The legislation does not define *enclosed space*.

RESPONSE / INTERPRETATION:

To assure compliance with the requirements of S.L. 2013-413, Environmental Health Specialists, effective October 1, 2013, must add carbon monoxide detector compliance verification to routine lodging facility inspections. This should include locating all of the fossil fuel burning appliances, identifying which are in enclosed spaces, and identifying which rooms share a common wall, floor, or ceiling with those spaces. Rooms requiring a carbon monoxide detector will not include hallways unless they are designed for occupancy, such as lobbies with seating.

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If carbon monoxide detectors are present in the spaces with fossil fuel burning appliances and rooms that share a floor, wall or ceiling with those areas, check to ensure they meet ANSI/UL 2034 or ANSI/UL 2075. This may be determined by viewing the manufacturer's literature that is required to be maintained by the facility, or by pressing the test button. Approved carbon monoxide detectors will sound an alarm with a series of four pulse tones, as opposed to smoke detectors, which sound with three pulse tones.

Make a note of this on the inspection report and note whether the detectors receive power from the building's electricity and battery backup, or batteries only. An assessment form has been provided to assist with documentation. Please keep this record on file. Immediately notify the person in charge of any rooms violating the requirements. Effective October 1, 2013, this notification must be accompanied with a *Notice of Intent to Suspend Permit* for the lodging facility permit.

The Department is involved in an ongoing discussion with the Department of Insurance regarding how to define *enclosed space*. Since installing an alarm in the same space as an appliance may lead to nuisance false alarms, the Office of the State Fire Marshall is leaning toward keeping alarms out of equipment areas that have natural ventilation. The problem with narrowly defining *enclosed space* is that very few rooms would abut an enclosed space and be required to have an alarm.

Until a definition of *enclosed space* is provided by the Building Code Council, this Department will use the definition of *enclosed area* from S.L. 2009-27, which defines *enclosed area* as an area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one. Since the issue of which equipment rooms will be required to have alarms has not been resolved and putting alarms in equipment areas is problematic, the Department recommends holding off requiring alarms in equipment areas until the Building Code Council provides guidance, which is required by April 15, 2014. In the meantime, we will use the definition of *enclosed area* (S.L. 2009-27) for determining which occupied rooms may share a wall, floor, or ceiling with an enclosed combustion appliance. Using this broader definition will provide greater protection for the public until regulations are put in place.

Under the standards referenced, the correct term for the required equipment is carbon monoxide *alarm*, but this statement uses the common term carbon monoxide *detector* from the law, which means the same for enforcement purposes. Fossil fuels include coal, wood, fuel oil, fuel gas, alcohol, gasoline, kerosene, diesel, paraffin, and canned heat. The requirement for carbon monoxide detectors does not apply to restaurants, but will apply to rooms in a lodging facility that share a common floor, wall, or ceiling with a kitchen with fossil fuel burning appliances.

This position statement was developed in consultation with the staff of the Office of the State Fire Marshall. It is likely to be revised once rules have been adopted by the Building Code Council next year.

REFERENCES:

Session Law 2013-413
Session Law 2009-27

NOTE: Position statements are policy documents to clarify how to interpret or enforce a law or rule. They are not enforceable on their own, but are intended to promote uniform interpretation and enforcement of the underlying law or rule.