

**HOUSE COMMITTEE ON COMMERCE**

**SUBCOMMITTEE ON TRADE AND ECONOMIC DEVELOPMENT**

March 17, 1999 Hearing Room 350

1:00 p.m. Tapes 24 - 26

**MEMBERS PRESENT:** Rep. Jerry Krummel, Chair

Rep. Ryan Deckert

Rep. Bob Montgomery

Rep. Diane Rosenbaum

**STAFF PRESENT:** Jason Cody, Administrator

Annetta Mullins, Administrative Support

**MEASURE/ISSUES HEARD:**

HB 2586 ñ Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
<b>TAPE 24, A</b>		
004	Chair Krummel	Calls meeting to order at 1:05 p.m. as a subcommittee for the purpose of receiving testimony. Opens the public hearing on HB 2586.
<b><u>HB 2586 ñ PUBLIC HEARING</u></b>		
015	Jason Cody	Administrator. Describes HB 2586.
020	Bob Garrison	Chief Deputy State Fire Marshall, Office of State Fire Marshall. Submits and reads a prepared statement ( <b>EXHIBIT A, page 1, paras. 1 and 2</b> ).
051	Rep. Randy Leonard	House District 21. Testifies in support of HB 2586. Explains that HB 2586 is a technical correction to SB 874 (1997).

070	Rep. Leonard	Comments on fire personnel responding to residence fires.
094	Rep. Leonard	Explains that the 1997 law requires a hush feature on detectors. Explains that people will remove the batteries to quiet an alarm caused by a grease fire or steaming water. Only the detectors with the hush feature have been allowed to be sold under SB 874. The hush feature allows a person to silence the detector for 15 minutes instead of removing the battery. Detectors with the ten-year battery feature require no maintenance.
134	Rep. Leonard	Explains that HB 2586 was the result of Bob Garrison and the State Fire Marshall's office putting together a work group because a technical problem for businesses was caused by the 1997 legislation.
138	Rep. Leonard	Adds that Emily Cedarleaf, representing rental units and a strong advocate of the original bill, called to ask him to support HB 2586 on her behalf because she is home ill.
146	Garrison	Continues reading statement ( <b>EXHIBIT A, page 1, para. 3</b> ).
170	Garrison	Explains the revisions to current law contained in HB 2586 ( <b>EXHIBIT A, page 2</b> ).
192	Garrison	Submits copies of draft administrative rules and a letter from Robert Pliskin ( <b>EXHIBIT A, pages 4-6</b> ). Explains Mr. Pliskin is promoting in other states what Oregon has already done and has a great interest in seeing HB 2586 go forward.
201	Garrison	Continues reading statement on changes to law relating to manufactured housing ( <b>EXHIBIT A, page 3</b> ).
		Reps. Montgomery, Deckert and Rosenbaum arrive.
264	Chair Krummel	Asks if the hush feature has been available in Oregon for two years.
264	Leonard	Responds that the 1997 legislation went into effect in 1998. Since that time the detector with the hush feature has been the only detector sold in Oregon.
273	Rep. Krummel	Asks why it is be a problem for alarms manufactured in Oregon with more features to be sent out of state.
276	Garrison	Explains that the smoke alarms for residential use that this bill is intended to address are not manufactured in Oregon; they are imported from other states. Gives example of an electrical wholesaler in Portland having a large electrical contracting firm in Vancouver, Washington. As the law is presently structured, if the distributor sells the alarms without the features required in Oregon, even though they are being shipped to Washington, it is a violation of the law. The exception is being provided at the request of the wholesalers and distributors.

293	Garrison	Adds there is one manufacturing firm in Tualatin that makes millions of smoke detectors for commercial systems and ship them all over the country. That product that was not intended to be subject to SB 874.
363	Rep. Rosenbaum	Comments some may testify that the ten-year batteries are not being reliably tested. Asks if Mr. Garrison would comment.
366	Rep. Leonard	Comments he would not want his name attached to any piece of legislation that would mislead the public that they had something in their home that was protecting them but was not.
377	Garrison	Explains the two variations of the 10-year batteries and requirements of Underwriters Laboratory.
425	Rep. Montgomery	Asks if there is more than one manufacturer of the batteries.
431	Garrison	Responds there is primarily one at this time. Other manufacturers do make lithium products. Ultralife is presently manufacturing the bulk if not all of the smoke alarm batteries; Ultralife bought the technology from Kodak.
<b>TAPE 25, A</b>		
015	Rep. Montgomery	Asks if the 10-year batteries will last 10 years or more and whether that is what is meant by the UL approval.
016	Leonard	Responds some of the battery companies have tried the battery on various detectors and the draw rate on two of the three detectors was so high the battery would not last 10 years. Adds if there is some disagreement, it is a marketing issue between manufacturers. Suggests if this law becomes a model for other states, it will drive the industry to meet the requirements of the standard.
042	Burton Weast	Oregon Fire District Directors Association and Oregon Fire Marshall's Association. Introduces Jim Gustafson, Fire Marshall and Assistant Chief in LaPine Rural Fire Protection District and President, Oregon Fire Marshall's Association.
054	Weast	Comments their associations urge the committee to pass this legislation. It is necessary because under the current law we have created some hardships on retailers and manufacturers. The legislation is needed to correct the technical issues.
063	Jim Gustafson	Oregon Fire Marshals' Association, Oregon Fire District Directors. Reports he inspects homes on a regular basis and finds batteries disengaged from smoke detectors. Believes the legislation will be very helpful.
075	Rep. Montgomery	Asks if we will not have the same problem when the first 10-year batteries are expiring.

083	Rep. Leonard	Responds that two issues in the bill address Rep. Montgomery's concerns. One provision requires the seller of a house to make sure the detector works. A date on the detector will say when the detector expires. In rental units, landlords are very vigilant to make sure the detectors are working when the occupants leave.
113	Rob Carnahan	Assistant Fire Chief of Clackamas County Fire District No. 1. Representing Oregon Fire Chiefs Association, the Joint Fire Services Legislative Committee and Clackamas County Fire District No. 1. Submits and reads a prepared statement in support of HB 2586 <b>(EXHIBIT B)</b> .
153	Carnahan	Continues presentation of prepared statement <b>(EXHIBIT B)</b> .
210	Mark Landauer	Government Relations Office, City of Portland. Introduces Jim Crawford, Portland Fire Marshall.
230	Jim Crawford	Fire Marshall, City of Portland. Submits and paraphrases a prepared statement in support of HB 2586 <b>(EXHIBIT C)</b> . Talks about the two issues raised.
268	Chair Krummel	Asks if there were objections by the battery manufacturers during the course of the stakeholder meetings, and whether their involvement was good and constructive.
280	Crawford	Responds the company that manufactures the 10-year lithium 9-volt battery was in support. There are other battery manufacturers who do not offer that type of battery who were opposed to the concept and this legislation.
287	Jeff Gruenwald	Fire Marshall, Tualatin Valley Fire and Rescue and Chairman of the Board of the International Fire Code Institute. Testifies in support of HB 2586. Tells of experiences of responding to fires and finding smoke alarms disabled. Supports the hush feature. Supports efforts to fund programs to place alarms in multi-family residences.
337	Chair Krummel	Asks how people will remember the date to replace the detectors.
370	Gruenwald	Responds that the detector will chirp and signal when the battery is going out.
377	Rep. Deckert	Asks what the frequency of the chirp is.
380	Gruenwald	Responds it chirps about every 15 seconds.
382	Rep. Montgomery	Asks whether the opposition is to the 10-year battery or the hush feature.
387	Gruenwald	Responds the opposition is to the 10-year battery.

391	Rep. Montgomery	Asks if the opposition is to the battery, why not make the requirement an eight-year battery knowing it will last 10 years.
404	Gruenwald	Comments he thinks the benchmark has become 10 years in terms of long life.
409	Chair Krummel	Comments that some information he has read points out the cleaning effect of checking the detector.
<b><u>TAPE 24, B</u></b>		
018	Peggy Collins	Department of Consumer and Business Services, Building Official, Building Codes Division. Submits and reads a prepared statement in support of HB 2586 and proposing amendments <b>(EXHIBIT D)</b> .
041	Chair Krummel	Asks if Ms. Collins has submitted the proposed amendments to Legislative Counsel.
043	Collins	Responds she has not.
054	Shawn Miller	Oregon Rental Housing Association. Testifies in support of HB 2586. Comments HB 2586 is a technical fix of last session's bill. Hopes to be able to work out the controversy over the battery issue. Sen. Leonard's bill last session dealt with hard-wire retrofits. It would have been very expensive to retrofit for various reasons. Sen. Leonard put together the work group and this is the technical fix.
082	Miller	Agrees that tenants do remove the batteries. Adds that last session they considered ways to penalize the tenant as a way to keep the batteries in.
099	Chair Krummel	Asks if the intention was that the battery would be a part of the unit so that it could not be removed.
099	Miller	Responds their concern last session was that the tenants not be able to take the battery out. There are units that cannot have the battery removed and those are the ones their association supports.
116	Dave Barrows	Ultralife Company. Comments the suggestion has been made that Ultralife is the only manufacturer of this 10-volt battery and if Ultralife does not have the ability to manufacture enough of these, we will be out of compliance. Explains that Ultralife makes millions of these batteries, but so do all the manufacturers. There is no supply issue here. There will also be a suggestion the batteries are not UL approved. There are batteries included in UL approved smoke alarms today and it is correct the battery itself has not gone through UL testing. Adds that no batteries have; the batteries are warranted. Explains that on-going tests are occurring and Ultralife is currently in the last part of the sixth year of physical testing. Comments there is nobody in the industry that doesn't think these batteries will last beyond 10 years. If the battery does not perform, a suit can be brought against the warranty.

165	Barrows	Comments the opposition has to do with the current law. This is a bill to make the law work much better.
172	Barrows	Comments there are smoke alarms with batteries built into them that are non-removable and ones that the 9-volt battery is clicked into. Adds that smoke alarms are not forever. Everyone should change the smoke alarm every 10 years whether we use one- or ten-year batteries. We can buy a really good alarm for under \$15.
185	Barrows	The controversy is about the battery issue and whether we should have a one-or ten-year battery. Believes the discussion is about economics. We are not going to have a shortage of batteries in Oregon. Oregon will have the model law in the nation when HB 2586 is passed. They plan to take it national to have it enacted.
236	Brian Boe	National Electrical Manufacturers Association (NECA). Comments there is no disagreement between his client and the proponents and saving lives.
253	Boe	Comments that the issue is not about marketing; it is about policy and how that policy affects what fire safety products are available and will be available in Oregon in the future.
264	Boe	Comments he has not and does not know who might have raised the supply issue. Adds that all manufacturers do not manufacture these batteries. A number of companies re-label the Ultralife batteries, including Eveready and Duracell, but they do not warrant the products for 10 years. It is not true there are multiple manufacturers of this product in the United States.
281	Boe	Comments they rely on the warranty. Adds that reliance on the warranty may sound good but one needs to know it is only for the replacement costs of the battery.
298	Boe	Comments the issues here today are policy issues that were not addressed last session.
291	Ray Balfour	Dry Battery Section of the National Electrical Manufacturers Association (NEMA). Submits a prepared statement and data on calculation of the 9-volt lithium Ultralife battery ( <b>EXHIBIT E</b> ). Comments they do share the common concern and want to do what they can to reduce injuries and deaths caused by fire and smoke. They believe the bill should not be passed unless Section 12 is deleted.
329	Balfour	Comments on the 1997 legislation and HB 2586::
332		<ul style="list-style-type: none"> <li>• Seven percent of homes do not install smoke alarms</li> </ul>
332		<ul style="list-style-type: none"> <li>• 60 percent of all fire deaths in homes occur in the seven percent. HB 2586 does not correct the lack of installations but it would require the presence of a compliant smoke alarm at the time title is transferred</li> </ul>

341		<ul style="list-style-type: none"> <li>People remove batteries from smoke alarms for a variety of reasons. Nothing in HB 2586 would prevent people from removing batteries.</li> </ul>
351		<ul style="list-style-type: none"> <li>The 1997 legislation covered the photoelectric and ionization detectors and required the 10-year battery. HB 2586 would exempt the photoelectric detector.</li> </ul>
360		<ul style="list-style-type: none"> <li>Everyone agrees hush mechanisms on smoke alarms are desirable in certain locations in homes. There is disagreement that hush buttons should be mandated. Feels the bill goes too far in mandating hush buttons on all detectors. Even Underwriters Laboratory has rejected a proposed requirement to mandate hush buttons on all smoke alarms</li> </ul>
378	Balfour	Comments he participated in the work group meetings. At the October meeting Ultralife was asked to produce data to support their 10-year claim. In December, Ultralife submitted data. Reviews data on calculation of battery life in Attachment 1 ( <b>EXHIBIT E, pages 6 ñ 10</b> ).
<b>TAPE 25, B</b>		
025	Balfour	Reviews e-mail between himself and a battery manufacturer in Attachment 2 ( <b>EXHIBIT E, pages 11 ñ 13</b> ).
068	Rep. Montgomery	Asks if Ultralife makes batteries for everyone.
070	Balfour	Responds that Duracell and Energizer buy the products from Ultralife.
072	Rep. Montgomery	Asks if Ultralife warrants the batteries for 10 years.
072	Balfour	Responds they warranty the batteries.
074	Rep. Montgomery	Comments that Ultralife will guarantee their batteries but other companies will not guarantee the same battery.
079	Balfour	Responds that is correct. Adds that if one reads the warranty it says they deny all responsibility except they may provide a free battery.
080	Balfour	Comments that the committee has printed materials and has had oral testimony suggesting that adoption of this legislation will advance life saving smoke alarm technology. Thinks it will do the opposite. Thinks there is an effort to force technology but believes the effects will be opposite of those intended. Suggest requiring the use of certain types of batteries will hinder lives.
129	Rep. Deckert	Asks if anything would prohibit Oregon from bringing in new features.

130	Boe	Responds that Debbie Hansen representing First Alert will speak about the various types of detectors.
172	Rep. Deckert	Asks if 8.3 years and insurance would be better.
174	Balfour	Respond no because the fundamental principal is the adoption of some arbitrary number of service life of a battery in some bare bones ionization smoke alarm. That would mean that no ionization smoke alarm with additional functions could be sold in Oregon based on the data on the battery.
191	Rep. Montgomery	Questions if it would be wrong if a 10-year battery is required and the battery only last 8 years.
201	Balfour	Responds that none of the companies he represents is opposed to the use of the 9-volt lithium batteries in smoke alarms. Adds that they last longer than alkaline batteries. They are opposed to legislation requiring exclusive use of one particular type battery in ionization smoke alarms that are solely battery operated.
211	Balfour	Adds that HB 2586 has some distinct disadvantages.
222	Chair Krummel	Asks if the work group was constructive.
222	Balfour	Responds that everybody brought to the work group the common desire to find ways to reduce injuries and deaths caused by fire and smoke. They are not in agreement on two points. The most controversial is the 10-year battery. There is also some dispute on the requirement for hush buttons on all smoke alarms.
235	Chair Krummel	Asks if this legislation isn't just putting a standard on the manufacturers.
250	Balfour	Responds it clearly does that, but the battery that people had in mind when talking about this legislation is a particular 9-volt lithium battery. Adds that it is their view that the product will not meet the standard requirement in the legislation and they do not know how to increase the energy content of the product to meet the requirements.
256	Boe	Comments there are other types of ionization detectors with additional life safety features for some households that fall out unless there is a long list of exemptions.
273	Rep. Montgomery	Asks if the battery being displayed will last 10 years.
273	Balfour	Responds it will not last 10 years in the ionization smoke alarm.
280	Rep. Montgomery	Asks if the battery is warranted and somebody dies whether someone could bring



		suit.
286	Boe	Comments that the Ultralife warranty is included in Mr. Balfour's testimony <b>(EXHIBIT E, page 14)</b> .
276	Balfour	Reads Ultralife's warranty <b>(EXHIBIT E, page 14)</b> .
326	Chair Krummel	Asks if any other batteries are warranted for any specific period of time.
328	Balfour	Responds it is common for batteries to be warranted for a period of one year from defects in manufacturing. The battery is not normally warranted for any specific length of service because most of the batteries produced are designed for a wide range of purposes.
386	Chair Krummel	Asks if the warranty is saying the battery will last for 10 years and if it doesn't the company will replace the battery.
390	Balfour	Responds that is essentially what they are doing.
410	Rep. Montgomery	Comments that on page 4 of HB 2586, in line 30, it says, "shall be packaged with a 10-year battery." Adds that all batteries can last 10-years but they might not work for ten years. Suggest another word be inserted, such as "working" or changing the structure of the sentence.
<b>TAPE 26, A</b>		
005	Debra Hanson	Director of External Affairs, BRK Brands, First Alert. Submits and paraphrases a prepared statement on behalf of the National Electrical Manufacturers Association (NEMA) Signaling Committee in opposition to HB 2586 <b>(EXHIBIT F)</b> .
050	Hanson	Continues presentation of statement <b>(EXHIBIT F, page 2)</b> .
100	Hanson	Clarifies testimony on projected costs of protecting a home.
107	Boe	Calls attention to the copy of the First Alert brochure attached to Ms. Hanson's testimony <b>(EXHIBIT F, pages 4 ñ 5)</b> . Explains that under the current law the detectors would be banned unless Section 12 of the bill is changed. They do not believe these products should be banned in Oregon.
126	Rep. Montgomery	Asks if the alarms featured in the brochure will run for one year on a 9-volt battery.
129	Hanson & Boe	Respond affirmatively.

131	Rep. Deckert	Comments on the cost of purchasing batteries over a 10-year period and the initial purchase of a new alarm.
137	Hanson	Responds the cost will depend on which bells and features one would choose for the home. Explains installations to provide complete protection for a home and gives her home as example. Adds that one only replaces batteries on an annual basis.
153	Chair Krummel	Asks if \$100 to \$150 would be a worthwhile investment for a home.
168	Hanson	Responds that is why they offer the options to those whom might be able to afford more. Adds they are in the business of saving lives and must provide price points. Comments the seven percent of the homes where the fire fatalities are occurring are low-income homes.
176	Boe	The price range is one of the policy issues that need to be addressed.
204	Chair Krummel	Asks if the First Alert 10-year limited warranty covers the price of the battery.
222	Hanson	Responds affirmatively.
229	Chair Krummel	Asks why there would be a problem with any of the First Alert products being sold in Oregon.
229	Hanson	Responds it is because the batteries cannot power the alarms for 10 years with the existing features.
233	Boe	Clarifies that the confusion is about the warranty on the detector itself, not the power supply. The products with the special features will be unavailable in Oregon because of the power requirements for the features; the power supply cannot last for ten years.
245	Hanson	Explains the different features and power requirements of First Alert alarms.
311	Chair Krummel	Comments he requested that Legislative Counsel speak to the committee about warranties and the language in the bill. Requests that Legislative Counsel return when all members are present at another hearing.
325	Chair Krummel	Closes the public hearing on HB 2586 and adjourns meeting at 3:15 p.m.

Submitted By, Reviewed By,

Annetta Mullins, Jason Cody,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ HB 2586, prepared statement, Robert Garrison, 8 pp**

**B ñ HB 2586, prepared statement, Rob Carnahan, 3 pp**

**C ñHB 2586, prepared statement, Jim Crawford, 1 p**

**D ñ HB 2586, prepared statement, Peggy Collins, 2 pp**

**E ñ HB 2586, prepared statement and data on batteries Raymond Balfour, 14 pp**

**F ñ HB 2586, prepared statement, Deborah Hanson, 5 pp**