

Oregon
Interpretive Ruling No. 93-74
UNVENTED GAS-BURNING SPACE HEATERS

Requested By: PPPI MANUAL REVIEW COMMITTEE

QUESTION

Interpretation of the mechanical code as it relates to unvented gas-burning space heaters and the Consumer Product Safety Commission (CPSC) preemption of regulation of such appliances effective December 31, 1981.

APPLICABLE CODE SECTIONS

1993 Oregon Mechanical Specialty Code (OMSC), Section 807(c) and 1993 One and Two Family Dwelling Specialty Code (Dwelling Code), Section M-1601.

BACKGROUND

On September 17, 1980 (effective 12/1/82), the CPSC adopted regulations to require unvented heaters to have Oxygen Depletion Sensing systems (ODS) designed to shut off fuel if the oxygen level falls below 18 percent. The regulations also specify self-certification meeting the CPSC standards and prohibiting requirements for requiring listing and labeling.

Based on an exchange of correspondence between ICBO and CPSC, it is CPSC's position effective 12/1/82, Section 807(c) cannot be enforced and a jurisdiction must accept "self-certified" unvented heaters meeting the CPSC standards and allow them in Group R (residential) and I (institutional) occupancies.

The State of California, Department of Housing and Development on 4/20/82 took the position that the CPSC standard does not invalidate or preempt existing state law prohibiting the use of unvented gas heaters and that Section 807(c) of the UMC adopted through California administrative rule is in full force and effect.

Staff felt the federal standard did not preempt the OMSC, and only a court is able to make final determination whether the federal standard or the OMSC prevails.

The 1993 Dwelling Code, Section M-1601 permits the use of unvented gas fired space heaters equipped with ODS systems that comply with federal standards. They must be listed and labeled for unvented use.

FINDINGS

This interpretation is authorized by ORS 455.060, Rulings on Acceptability of Materials, Designs or Methods of Construction and Attorney General's Opinion OP-5208 issued October 1, 1981, which advised the statute permits authoritative interpretations of existing code requirements.

DISCUSSION AND CONCLUSION

The 1993 OMSC prohibits the use of unvented gas fired space heaters in Groups I and R occupancies covered by that code.

The 1993 Dwelling Code permits the use of labeled and listed unvented gas fired space heaters. The unvented gas fired space heaters shall be equipped with ODS systems that comply with the federal standards. Interpretive Ruling 93-74 replaces PPPI-4109.

(signed November 17, 1993)

John Talbott, Chairman
Structural Code Advisory Board

Date

The recommendations and findings of the Structural Code Advisory Board are accepted and the conclusions are adopted.

(signed November 19, 1993)

Gary J. Wicks, Administrator
Building Codes Division

Date