



New York Fire Alarm Association Inc.
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April 1, 2008

Statement to the City Council Committee on Fire and Criminal Justice Services in relation to Intro No. 732 (enacting the NY City Fire Code).

The New York Fire Alarm Association Inc., on whose behalf we speak, represents equipment suppliers, installation companies, consulting engineers and central stations primarily engaged in the field of Fire Protection. Individuals within this organization have been an integral part of the Code development process as far back as the landmark legislation for high-rise buildings known as Local Law # 5 of 1973. Over the past years, several individuals, representing the New York Fire Alarm Association, participated in adoption of the International Building Code for use in New York City.

Back in 2005, at the request of the Fire Commissioner, the New York Fire Alarm Association was invited to assist the NYC Fire Department in the development of the revised New York City Fire Code, which is based on the International Fire Code. The Fire Department established five Advisory Committees to deal with various chapters of the code, with somewhere between 32 and 43 members each. Our organization participated in three of these Advisory Committees and gave much time and effort toward the development of the Fire Code.

During the public hearing held at the Fire Department Headquarters on June 1, 2007, several representatives of this organization made their verbal statements, pointing out shortcomings of the drafted documents and recommended many changes.

On June 15, 2007 we put forth sixteen (16) pages of recommendations, in an effort to make the new code a forward looking document that will enhance the safety of buildings and the general public. Copy of our submittal is enclosed.

Not a single substantial recommendation made by the New York Fire Alarm Association was included into the new Fire Code, nor is there any indication that these changes were ever seriously considered.

To this day, the NYC Fire Department has not given any hint as to their consideration of these matters or if considered a rationale for rejection.

What started as an open and collegial process, turned out to be a closed, totally introspective one, when one considers that ideas represented by the most knowledgeable people in the Fire Protection field have for all intents and purposes been ignored.

We would like to point out some of the major items that we submitted.

1. The new NYC Building Code deliberately eliminated the costly and redundant process of the Materials and Equipment Approval (MEA) of life safety equipment which was already tested and approved by one of the nationally recognized testing laboratories, such as UL or FM Global. Upon elimination of the MEA Division at the Department of Buildings, the NYC Fire Department saw fit to undermine this effort by requiring their approval of some of the fire protection equipment. This effort will increase the cost of doing business in NYC for some vaguely stated reason. If the fire protection equipment is accepted for use throughout the United States, there is no reason why it should not be accepted for use in New York City as of right. We hereby request that Art. 901.4.5 be deleted in it's entirety.
2. The New York Fire Code makes reference to the National Fire Protection Association's National Fire Alarm Code - NFPA 72/2002 in relation to testing and maintenance of fire alarm systems. Specifically, it refers to the version of NFPA 72/2002 adopted by the Building Code in Appendix Q. Unfortunately, the entire Chapter 10 of NFPA 72/2002 - "Inspection Testing and Maintenance" was removed from Appendix Q, with the understanding that such chapter will be inserted into the Fire Code. Unfortunately, that did not happen and Intro. 732 in it's current form does not contain any provisions for testing and maintenance of fire alarm systems. This needs to be corrected, by ~~updating~~ ^{revising} the entire Chapter 10 of the National Fire Alarm Code NFPA 72/2002 in it's entirety.
3. We all know that fire protection systems can only protect human life and property if they are periodically tested. There are periodic testing requirements for fire standpipes, fire sprinklers, fire suppression systems in computer rooms, kitchen suppression systems, etc. All these tests have to be witnessed by a representative of the Fire Department. Unfortunately, the old Fire Prevention Code never had any provisions for the Fire Department to conduct periodic re-testing of fire alarm systems. As a result, large share of existing fire alarm systems in New York City are not operational at all or substantially deficient. This has been documented by TV investigative reports, including the 2007 Fox News Channel 5 report on defective fire alarms in hundreds of day care centers in the Bronx and Brooklyn. This is an urgent matter, before another tragedy, similar in scale to the recent construction crane collapse, creates bad publicity for New York City. We strongly recommend that the Fire Code be revised to require a 5-year mandatory and comprehensive retest of all fire alarm systems, to be conducted in presence of a Fire Department representative.

The Fire Prevention Code will be with us for many years to come. Therefore, we urge this Council to consider our testimony, as it deliberates the adoption of this code and we respectfully submit that further deliberation of this Code be postponed until there is adequate time for the Fire Protection Industry to conduct a more detailed review and for the Fire Department to review and discuss with the Fire Protection Industry all recommendations submitted to them.

The New York Fire Alarm Association Inc.



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June 15, 2007

Mr. James Hansen, P.E.
Director of Code Revision
New York City Fire Department
Bureau of Legal Affairs
9 MetroTech Center, Room 4W-2
Brooklyn, NY 11201-3857

via email hansenj@fdny.nyc.gov and mail

RE: Our comments to the proposed draft of the International Fire Code.

Dear Mr. Hansen:

A committee consisting of three representatives of the New York Fire Alarm Association Inc. (Miles Fisher P.E., Dariusz Skarzynski and Zygmunt Staszewski P.E.) Reviewed the proposed chapters of the IFC. The following are our comments:

IFC Chapter 1, Section 104.2

Proposed alternative text:

The commissioner [may] shall accept as proof of compliance with the provisions of this code and the rules, design and installations documents, technical reports, reports of inspections or other written submissions from officials of government agencies. The commissioner [may] shall accept as proof of compliance with the provisions of this code and the rules, design and installations documents, technical reports, reports of inspections or other written submissions from registered design professionals [and other licensed, certified or qualified professionals] for such purposes as the commissioner may establish by rule.

Benefits and comments:

If one NYC agency approves the documents, there shall be no need for the Fire Department to review and accept it again.

Furthermore, according to the New York State Education Law Art. 145 Sec. 7201, preparation of design documents, technical reports and reports of inspections falls into the scope of practice of engineering and may only be performed by Licensed Professional Engineers or Registered Architects (design professionals). Acceptance of such documents from "other licensed, certified or qualified professionals" will be in violation of the NY State Education Law.

IFC Chapter 1, Section 104.2

Proposed alternative text:

Add: Section 104.2.2: Fire Department personnel reviewing and approving design and installation documents shall be Licensed Professional Engineers or Registered Architects licensed by the NY State Education Department or other qualified personnel working under a direct supervision of a Licensed Professional Engineer or a Registered Architect licensed by the NY State Education Department.

Benefits and comments:

Under the NY State Education Law Art. 145 Sec. 7202, any government employees performing engineering services (including plan examinations and construction inspections) shall either be licensed as design professionals or shall work under the supervision of a Licensed P.E. or R.A.

IFC Chapter 1, Section 104.2.1

Proposed alternative text:

Add: Section 104.2.1.2. Commissioner shall audit at least 10% but not more than 30% of the professional certifications.

Benefits and comments:

Years ago, when the Fire Department conducted audits of self-certifications, they discovered a substantial amount of false self-certifications. Present lack of audits allows some contractors, engineers and architects to falsely self-certify correction of defects, without any consequences. Self-certification only works if there are checks and balances.

IFC Chapter 1, Section 104.6

Proposed alternative text:

... Such official records shall be retained [for the period required for retention of public records] for as long as the building structure is in place. Fire Dept records shall be available for public viewing in an electronic format and accessible via internet. All records shall be kept for as long as the subject building structure is in place.

Benefits and comments:

If the building ownership changes, many records kept on site are lost or misplaced. Fire Department is responsible for record keeping of documents received and especially of documents issued by the Fire Department. In many cases, if the existing system is replaced or upgraded, the FD plan examiner or inspector asks for a FD letter of approval for the previous installation, which he/she should have available in their own files. Any plan approvals, approved documents and inspection records shall be kept indefinitely.

IFC Chapter 1, Section 104.7.1

Proposed alternative text:

Device, equipment or system reuse. Devices, equipment and systems shall not be reused or reinstalled unless such device, equipment or system has been reconditioned by the original equipment manufacturer (OEM) of such equipment or another company authorized by a nationally recognized testing laboratory to recondition such equipment, and placed in good and proper working condition.

Benefits and comments:

This is consistent with the U. L. and F.M. requirements for reconditioning of the equipment. Unauthorized reconditioning of the equipment will void the U. L. Listing or F.M. approval for such equipment. This is also consistent with the current NYC Building Code requirements and BS&A/MEA approval process.

IFC Chapter , Section 104.7.2

Proposed alternative text:

To determine the acceptability of technologies, processes, products, facilities, materials

and uses attending the design, operation or use of a building, structure, facility or other premises subject to the inspection by the commissioner, the commissioner may require the owner to provide at the owner's expense, a technical opinion and report prepared by a registered design professional [or other qualified individual or organization acceptable to the commissioner]. Such [individual or organization] design professional shall evaluate the safety of the design, operation or use of the building, structure, facility or other premises and the facilities, operations and conditions situated or conducted thereon, as applicable. The commissioner is authorized to require design submittals and technical reports to be prepared by, and bear the stamp of a registered design professional.

Benefits and comments:

In accordance with the NYS Education Code, engineering services such as technical evaluations and reports, must be performed by registered design professional only. Also, last sentence of the above paragraph, which appears in the IBC and the NY State Fire Code, which was deleted by the FDNY, shall be restored for consistency with the State Laws.

IFC Chapter 1, Section 104.9

Proposed alternative text:

Replace "commissioner" with "buildings commissioner" throughout this section.

Benefits and comments:

Application of alternative construction materials and equipment shall be under the Department of Buildings jurisdiction, since it is the Building Code that governs design and installation of fire protection equipment.

IFC Chapter 1, Section 105.4

Proposed alternative text:

... The commissioner [may] shall accept construction documents approved by the commissioner of buildings as proof of such compliance.

Benefits and comments:

If one NYC agency approves the documents, there shall be no need for the Fire Department to review and accept it again.

IFC Chapter 1, Section 105.4.5

Proposed alternative text:

Corrected documents. Where field conditions necessitate any change from the approved design and installation documents, corrected design and installation documents [or other documentation acceptable to the department] shall be prepared, signed and sealed, and submitted by a design professional.

Benefits and comments:

Only registered design professionals are allowed to prepare design and installation documents, and revisions of such documents can only be done by same design professionals. Allowing unlicensed individuals to modify the design documents violates the NY State Law Title VIII Art. 145 Paragraph 7209.2 and exposes the design professionals to an excessive legal liability. At the same time, as-built drawings become a permanent record of the installation. The Department of Buildings requires for all systems under their jurisdiction to provide as-built drawings for microfilming before the application is closed out.

IFC Chapter 1, Section 106.2

Proposed alternative text: ???

Benefits and comments:

Why this section is deleted?

IFC Chapter 1, Section 106.4

Proposed alternative text:

(Add new article): Commissioner may authorize licensed design professionals to perform certain inspections in lieu of the Fire Department personnel.

Benefits and comments:

This is a necessary provision due to the 3-4 month long inspection backlogs at the Fire Department. It is consistent with Directive 14 procedure utilized by the buildings commissioner.

IFC Chapter 1, Section 107.2

Proposed alternative text:

107.2.3 Re-certification. Every system under the jurisdiction of the commissioner and every fire protection system under the jurisdiction of the commissioner of buildings shall be re-tested and re-certified by the commissioner or by authorized registered design professional at least every five years.

Benefits and comments:

While certain fire protection systems are re-tested annually (kitchen suppression, clean agent systems etc.), every 5 years (sprinklers, standpipes, siamese connections etc.), some fire protection systems are never re-certified once initially approved. There are thousands of initially approved fire alarm systems in NYC, that may be 20- 30 years old and do not operate at all, or do not operate as designed. Periodical testing of fire alarms by the Fire Department shall be done at least every 5 years.

IFC Chapter 1, Section 107.2.2

Proposed alternative text:

Reinspection and [testing] retesting.

Benefits and comments:

This will clarify that all the defects must be retested.

IFC Chapter 1, Section 107.3

Proposed alternative text:

Supervision. Maintenance and testing shall be [under the supervision of] by a [responsible] qualified and certified person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code and the rules. When required by specific provisions of this code or the rules, such person shall be certified by the department or the department of buildings. In addition, companies performing maintenance and testing of fire alarm systems shall be licensed by the NY State, in accordance with the NY State Regulations.

Benefits and comments:

Term "under the supervision" is vague and may imply that hundreds of employees of a company performing testing and maintenance may do so under a supervision of one certified individual. According to the NFPA, all personnel performing testing and maintenance shall be qualified and certified. In case of fire alarms, it is NICET Level II minimum. Also, fire alarm work in NY State can only be done by companies licensed by NY State. This language will refer to the provisions of NY State law.

IFC Chapter 1, Section 112

Proposed alternative text:

This entire section shall be removed.

Benefits and comments:

If the equipment or material is listed by a nationally recognized testing laboratory, it shall be automatically acceptable for installation in NYC. Please note that the Fire Department does not perform any additional testing. Review of the proposed equipment or material for compliance with NYC building and fire codes shall be conducted by the registered design professional as part of the design process. The buildings department recognized this, and chose to eliminate the MEA approval process.

IFC Chapter 1, Section 108.4.2

Proposed alternative text:

Determination. The commissioner shall render a written determination on the appeal granting or denying the appeal, in whole or in part, within thirty (30) days of the appeal.

Benefits and comments:

Requirement for a 30 day response by a NYC agency is reasonable. In the past, the appeal or variance request documents have been lost or misplaced and sometimes the appeal process takes several months.

IFC Chapter 1, Section 109

Proposed alternative text:

This section shall be restored and modified.

Benefits and comments:

Fire Code certainly needs a Violations chapter.

IFC Chapter 1, Section 113

Proposed alternative text:

Add the list of all certificates to be covered by this section, i.e. Fire Safety Director, EAP Director, Fire Alarm Company & Fire Alarm Technician.

Benefits and comments:

All certifications to be issued by the fire commissioner shall be specifically listed in the fire code.

IFC Chapter 1, Section 115

Proposed alternative text:

Add: 115.9 Companies that are required to be licensed or certified in accordance with NY State Laws, shall carry such license or certificate to be considered by the commissioner before being issued a NYC certificate or license for the same activity or service.

Benefits and comments:

Reinforces the NY State licensing laws, which presently are not being enforced in NYC.

IFC Chapter 1, Section 115.2.1

Proposed alternative text:

replace: [1 year] with 3 years.

Benefits and comments:

Issuing company certificates every year is excessive and will create unnecessary burden.

IFC Chapter 1, Section 116

Proposed alternative text:

Registration. No person may submit, file, request, negotiate or otherwise seek approval of [applications for issuance of permits or other approvals, including approval of] design and installation documents, except for the registered design professionals or their employees under their employment and under their direct supervision [without having obtained an expeditor registration certificate in accordance with this section and the rules]. No person may submit, file, request, negotiate or otherwise seek approval of applications for issuance of permits or other approvals [including approval of design and installation documents,] without having obtained an expeditor registration certificate in accordance with this section and the rules.

Benefits and comments:

Seeking approvals for design and installation documents requires meeting with the plan examiner and technical discussion. Only registered design professionals are allowed to conduct such discussions, which may require subsequent re-design.

IFC Chapter 2, Section Definitions.

Proposed alternative text:

CONSTRUCTION CODES. New York City construction codes, consisting of the New York City building, fuel gas, mechanical, plumbing and [residential] electrical codes.

Benefits and comments:

IBC residential code is not going to be adopted by the City Council. NYC Electrical Code has been adopted, but is not listed her.

IFC Chapter 2, Section Definitions.

Proposed alternative text:

DESIGN AND INSTALLATION DOCUMENTS. Plans and specifications, or other written, graphic and pictorial documents or submissions, setting forth the location, design, arrangement and physical characteristics of the device, equipment, system, operation or facility for which approval by the commissioner is sought, prepared by, signed and sealed by a registered design professional.

Benefits and comments:

NY State Education Law Art. 145 Art. 7209.1 states that no official of the state or any city, county town or village charged with enforcement of laws, ordinances and regulations shall accept or approve any plans or specifications unless they are signed and sealed by a professional registered in NY State.

IFC Chapter 2, Section Definitions.

Proposed alternative text:

REGISTERED DESIGN PROFESSIONAL. An architect registered to practice the profession of architecture, or an engineer licensed to practice the profession of engineering, as set forth in the laws, rules and regulations of the state of New York and issued a certificate of authorization according to Art. 145 Sec. 7210 of the NY State Education law.

Benefits and comments:

This further clarifies the NY State regulations and certification applicable to practice of architecture and engineering.

IFC Chapter 4, Section 404

Proposed alternative text:

Requires a complete rewrite.

Benefits and comments:

Requirements for three (3) separate documents: fire safety plan (under LL 5/1973), Fire Protection Plan (under LL 16/1984) and the Emergency Action Plan is unnecessary. There shall be one comprehensive document for each building, prepared and filed for review and approval by both Buildings and Fire Department to allow both agencies to evaluate safety and compliance of the building with applicable codes. It shall be revised periodically, especially when the floor layouts substantially change or when there is a change of occupancy or fire load within the building.

IFC Chapter 9, Section 901.2.1

Proposed alternative text:

Statement of compliance. The commissioner may require a [contractor] registered design professional to furnish a written statement that the subject fire protection system has been installed in accordance with the approved design and installation documents and has been tested in accordance with the manufacturer's specifications before scheduling a final inspection of the installation.

Benefits and comments:

Typical fire protection system installation requires involvement of several contractors (electrical, HVAC, fire alarm, plumbing, elevator, etc.) so that not one contractor can verify compliance with the design documents applicable codes. Only a registered design professional specializing in fire protection systems can do that. This pre-testing procedure has been successfully implemented in the past - in early days of Local Law # 5, when the Fire Department required a detailed engineering pre-test report (signed and sealed by a PE or RA) before they will conduct a test of a Class E system. It allowed for proper utilization of the FD inspection resources.

IFC Chapter 9, Section 901.4.5

Proposed alternative text:

Shall be eliminated.

Benefits and comments:

If the equipment or material is listed by a nationally recognized testing laboratory, it shall be automatically acceptable for installation in NYC. Please note that the Fire Department does not perform any additional testing. Review of the proposed equipment or material for compliance with NYC building and fire codes shall be conducted by the registered design professional as part of the design process. The buildings department recognized this, and chose to eliminate the MEA approval process.

IFC Chapter 9, Section 901.4

Proposed alternative text:

Add: [.] in effect at the time of the filing with the commissioner or buildings commissioner.

Benefits and comments:

Consistent with the construction codes.

IFC Chapter , Section 901.6.1

Proposed alternative text:

Table 901.6.1 shall refer to special editions of NFPA standards. i.e. NFPA 72/2002 or NFPA 72/2007?

Benefits and comments:

This needs to be clarified for all codes and standards referred to. There are substantial differences between the subsequent editions of the same NFPA standard.

IFC Chapter 9, Section 901.5.2

Proposed alternative text:

Add: Commissioner may allow registered design professionals to perform system inspections in lieu of the department personnel.

Benefits and comments:

As recommended by the R.E.B., in many cases the building needs to secure a temporary

certificate of occupancy, but is unable to do so due to the FDNY inspection backlogs.

IFC Chapter 9, Section 901.6.1

Proposed alternative text:

Installation, inspection and testing [S]standards.

Benefits and comments:

To clarify what these standards apply to. Consistent with the NFPA definitions.

IFC Chapter , Section 901.5

Proposed alternative text:

After installation standards add: as set forth in table 901.6.1.

Benefits and comments:

For further clarification.

IFC Chapter 9, Section 903.1.1

Proposed alternative text:

Restore this section.

Benefits and comments:

Alternate Fire Dept. Systems in certain areas shall be allowed in lieu of sprinkler systems.
Example: computer rooms, battery rooms, etc.

IFC Chapter , Section 903.4

Proposed alternative text:

Add: by an approved Fire Alarm System.

Benefits and comments:

Term "supervised" is ambiguous.

IFC Chapter 9, Section 903.4

Proposed alternative text:

Delete exception #3.

Benefits and comments:

Buildings three or more families shall have sprinkler monitoring.

IFC Chapter 9, Section 904.3.5

Proposed alternative text:

Add: 904.3.6 The automatic fire extinguishing system shall be monitored by a Fire Dept approved central station.

Benefits and comments:

This is presently required by FP Code and it makes sense. Fire ext systems discharge shall notify Fire Dept.

IFC Chapter 9, Section 907.1:1

Proposed alternative text:

Delete this section.

Benefits and comments:

This is already covered by the building code.

IFC Chapter , Section 905.9

Proposed alternative text:

add: at the fire alarm panel and at the central station.

Benefits and comments:

Clarification of the requirements presently in effect.

IFC Chapter 9, Section 907.20.6

Proposed alternative text:

Add: 907.20.6 All fire protection systems shall be subject to re-acceptance testing by the department not less frequent then five (5) years.

Benefits and comments:

Approved fire alarm systems are never re-tested by the FDNY.

IFC Chapter 9, Section 911.3

Proposed alternative text:

Add: and monitored by a fire alarm system with central station conection.

Benefits and comments:

These conditions shall be immediately reported to the FDNY.

IFC Chapter Appendix A.

Proposed alternative text:

Fixed fees for the fire alarm inspections shall be based on the type of the system and number of floors protected.

Benefits and comments:

This will allow pre-payment of inspection fees and scheduling appropriate number of inspection days for larger systems.

Respectfully submitted by the New York Fire Alarm Association Inc. On June 15, 2007.

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