

TESTIMONY OF COMMISSIONER NICHOLAS SCOPPETTA

FIRE DEPARTMENT OF NEW YORK

BEFORE THE CITY COUNCIL

COMMITTEE ON
FIRE & CRIMINAL JUSTICE SERVICES

April 1, 2008

Introduction

Good morning Chairman Martinez and Committee members. I am pleased to have the opportunity to speak with you today in support of Intro 732, the proposed new Fire Code for New York City. Enactment of this important legislation will promote and enhance fire safety both for the public and emergency responders.

Background

As you may know, in 2003 the Mayor's Advisory Commission on Revising the New York City Building Code recommended the adoption of the International Building Code (IBC) and related model codes of the International Codes Council (ICC). The Mayor's Advisory Commission decided that the Building Code revision process would not encompass adoption of the International Fire Code (IFC) or the revision of the New York City Fire Code. Since the IBC and the IFC are overlapping and intensively cross-referenced, a separate process was needed to address the Fire Code revision. The Fire Code revision, Intro 732, represents the culmination of more than four years of work by the Department.

Building Code revision got underway soon after the Commission issued its findings in 2003, and was completed last year with the enactment of the new Building Code as Local Law 33 of 2007.

On a parallel track, we commenced our Fire Code revision, with support from the Fire and Criminal Justice Services Committee and staff, first under the leadership of then-Chair Yvette Clarke, and more recently, under Chairman Martinez. We structured our Fire Code revision project so that interested and concerned parties had the opportunity to express their views in a manner that ensured proper consideration and evaluation.

To this end, we established a committee structure consisting of: (a) five Technical Committees, comprised of Fire Department uniformed personnel, engineers, inspectors and lawyers; (b) an Advisory Committee, consisting of outside stakeholders, including representatives of the engineering and architecture professions, real estate and building management interests, manufacturers and labor organizations; (c) a Managing Committee, consisting of senior representatives of the Fire Department, the Department of Buildings (DOB) and the City Council; and (d) an Executive Committee, which I chaired.

As part of this process, numerous individuals and organizations contributed to the bill you are now considering. Both our civilian and uniformed personnel spent countless hours reviewing the ICC's model code, and adapting it to suit New York City's unique environment. The Managing Committee was briefed on each of the Fire Code chapters, which were then forwarded to the Advisory Committee for review and comment. The Fire Department considered and incorporated, or otherwise responded to, the Advisory Committee comments.

Finally, last December we posted the completed document on our website so that all interested parties – members of the public, as well as affected businesses and trades – could offer comments and suggestions. After the posting, we hosted a public hearing on December 20, 2007 at FDNY Headquarters, at which comments could be offered in person. More than 200 people attended the public hearing. No speaker opposed the adoption of a new Fire Code, and the overwhelming majority of the speakers offered unconditional support of the new Fire Code as proposed. We reviewed the comments and suggestions that we received and revised the legislation accordingly. We appreciate

the efforts of all those who have contributed to the Fire Department's Code Revision Project and revised Fire Code.

This Fire Code revision is the first comprehensive revision since New York City's Fire Code was first adopted in 1913. The new Code incorporates many of the fire safety requirements that were added to the Fire Code following tragedies in the century since the Fire Code's original adoption. The Happy Land fire and the 9/11 attacks are just two recent examples.

Enactment of a new Fire Code will promote and enhance fire safety in New York City by adopting more modern and comprehensive fire safety regulations; the new Code is based on a model code that has been adopted in hundreds of jurisdictions around the country. The new Fire Code is also more transparent -- a result of its improved organization, adoption of national standards, and extensive cross-referencing with the Building Code and other construction codes. This transparency will promote Code compliance and economic development in the City by making it easier for design professionals and affected property owners, businesses and other members of the public to understand their obligations under the law.

Major Enhancements

The City's existing and proposed Building and Fire Codes regulate different things. The Building Code, enforced by DOB, generally regulates the design and construction of buildings and structures, including the design of such fire-related building systems as sprinklers and fire alarms.

The Fire Code, enforced by the Fire Department, governs the maintenance and operation of those systems. It also establishes minimum standards for the protection of

life and property from fire hazards arising from the manufacturing, storage, handling and use of hazardous and combustible materials and operations. The Fire Code may require the issuance of permits that ensure regular inspection; supervision by persons holding a Fire Department certificate; and the installation of fire-detection and extinguishing systems designed in accordance with the Building Code.

The Fire Code also protects public safety by requiring emergency preparedness and planning, including fire safety plans and Emergency Action Plans for high-rise office buildings.

Among other improvements, the new Fire Code:

- is more comprehensive and detailed than the existing Fire Code, setting forth with greater clarity what standards and requirements are to be met, thereby promoting compliance.
- contains new permit requirements for the storage, handling and use of certain materials, conduct of certain businesses and operations, and design, operation and maintenance of certain facilities, with the result that the Fire Department will regularly inspect and verify compliance with the provisions of the Fire Code.
- enhances firefighting operations and promotes the safety of firefighters and other emergency responders by providing for rooftop access and elimination of rooftop obstructions, requiring fire apparatus access roads in private developments, and regulating toxic and other hazardous materials that present hazards to emergency responders during emergency operations.

- requires more detailed fire safety and evacuation plans, and extends the requirements for such plans and the training of staff to additional occupancies, including mercantile and assembly occupancies.
- promotes fire safety on construction sites by requiring the development of a fire safety program, and on construction projects of a certain size or complexity, the designation of a fire safety manager responsible for ensuring compliance with fire safety requirements.
- clarifies the existing requirement that fire safety systems in temporarily unoccupied buildings be maintained.
- incorporates 67 National Fire Protection Association (NFPA) reference standards, promoting compliance with nationally accepted industry standards. Reference to such standards will help the conscientious property or business owner ensure that his or her portable fire extinguishers, fire alarm systems and sprinkler systems are being properly inspected and maintained.
- authorizes the Fire Commissioner to accept professional certification to streamline the process for issuing permits and other Fire Department approvals, and provides for the registration of expeditors to ensure the integrity of such approval processes.
- Moreover, the ICC model codes are updated on a three-year cyclical basis. By adopting the model Fire Code, we ensure new and changing fire-safety technologies and trends are considered. Four City employees, including a

Fire Department Chief, have been selected as members of ICC development committees.

I should also note that part of the proposed Local Law amends the New York City Charter to transfer the authority to regulate certain aviation operations from the Department of Small Business Services (DSBS) to the Fire Department; these include helicopter external load lift operations and hot air balloon operations. These amendments formalize the Fire Department's existing role in coordinating aviation operations outside of airports and heliports. The Fire Department ensures that activities such as helicopter landings and external load operations (including lifting heavy equipment onto rooftops), hot air balloon operations (which use propane gas to fill the balloons), and seaplane landings and takeoffs are conducted safely. These amendments would not affect the authority of DSBS to approve or regulate airports and heliports.

Finally, the local law amends a number of provisions of the recently enacted Building and Mechanical Codes to conform them to the Fire Code. All such changes were made in consultation with DOB.

As I discussed previously, the revised Fire Code is heavily cross-referenced with the new Building Code. Because the two codes are so closely connected, it is important that they become effective on the same date: July 1, 2008. The City Council has been extremely helpful to the Fire Department over the last several years, starting with its initial advocacy for not only the Fire Code revision project itself, but for the funding, staffing and other resources needed to complete the work. We look forward to continuing our work with both the Council and the Mayor's Office to pass this legislation

as soon as possible so that we can complete the rule promulgation, training and other tasks necessary to meet this deadline.

The revised Fire Code is a 645-page document comprised of 45 chapters and two appendices. Since we had sent Fire Code briefing materials to all of your offices in advance of this hearing, we did not feel it was a good use of our time today to detail every chapter. But attached to my testimony is a summary list of all of the proposed new Fire Code Chapters, and we are happy to answer any of your questions about the details of the Code

Conclusion

We are extremely proud of the proposed Fire Code revision. The new Code will make New York City an even safer place to work and live.

Thank you for the opportunity to speak with you today in support of Intro 732.

Fire Code Chapters

CHAPTER 1: ADMINISTRATION

- Scope, applicability, relationship with reference standards and with rules
- Design and installation document requirements, document plan review
- Professional certification
- Expeditor Registration Certificate
- New permits and Certificates of Fitness

CHAPTER 2: DEFINITIONS

- Complete listings with references to individual chapters

CHAPTER 3: GENERAL PRECAUTIONS AGAINST FIRE

- Open fires, combustible waste and combustible materials storage
- Barbecues on residential premises
- Open flames, fueled equipment

CHAPTER 4: EMERGENCY PLANNING AND PREPAREDNESS

- Fire safety and evacuation plans (FSP)
- Emergency action plans (EAP)
- Fire drills, FSP staff-training drills

CHAPTER 5: FIRE OPERATIONS FEATURES

- Fire apparatus access roads for developments
- Rooftop access and obstructions
- Hazards to firefighters

CHAPTER 6: BUILDING SERVICES AND SYSTEMS

- Refrigerating system operating engineer
- Lead-acid battery systems

CHAPTER 7: FIRE-RESISTANCE-RATED CONSTRUCTION

- Maintenance of required fire-resistance-rated construction

CHAPTER 8: INTERIOR FURNISHINGS, DECORATIONS AND SCENERY

- Maintain current code/rule requirements
- Newly introduced furnishings, e.g., nursing homes, hospitals and detention centers

CHAPTER 9: FIRE PROTECTION SYSTEMS

- Certificate of Approval (non-water extinguishing systems, pre-manufactured commercial cooking hoods)
- Maintenance standards (sprinkler, standpipe and fire alarm systems)
- Carbon dioxide fire extinguishing systems removed from normally occupied areas by 7/1/13

- Certificate of Fitness for cleaning commercial cooking exhaust system

CHAPTER 10: MEANS OF EGRESS

- Design and installation requirements (Building Code jurisdiction)
- Maintain means of egress unobstructed

CHAPTER 11: AVIATION FACILITIES AND OPERATIONS

- Assume aviation operations permitting authority from Department of Small Business Services (DSBS to continue to regulate aviation facilities)
- New requirements for aviation fueling

CHAPTER 12: DRY CLEANING

- Incorporates current rule requirements

CHAPTER 13: COMBUSTIBLE DUST-PRODUCING OPERATIONS

- Explosion control (e.g., coal preparation plants, sulfur)

CHAPTER 14: FIRE SAFETY DURING CONSTRUCTION, ALTERATION AND DEMOLITION

- Construction site fire safety manager
- Pre-fire plan
- Safeguarding construction, alteration and demolition operations (NFPA 241)
- Fire apparatus access
- Elevators, standpipes and sprinklers

CHAPTER 15: FLAMMABLE FINISHES

- Spraying operations, Certificate of Approval

CHAPTER 16: FRUIT AND CROP RIPENING

- Design of room and ethylene generators

CHAPTER 17: FUMIGATION AND THERMAL INSECTICIDAL FOGGING

- Company Certificate
- Posting of notices in building

CHAPTER 18: SEMICONDUCTOR FABRICATION FACILITIES

- Design, installation, operation and maintenance (new to Fire Code)

CHAPTER 19: LUMBER YARDS AND WOOD WASTE MATERIALS

- Outdoor storage of wood chips, wood waste materials and lumber (new to Fire Code)

CHAPTER 20: MANUFACTURE OF ORGANIC COATINGS

- Design, installation, operation and maintenance (new to Fire Code)

CHAPTER 21: INDUSTRIAL FURNACES

- Design, installation operation and maintenance requirements (new to Fire Code)

CHAPTER 22: MOTOR FUEL-DISPENSING FACILITIES AND REPAIR GARAGES

- Maintain current code/rule requirements
- LPG and hydrogen dispensing prohibition

CHAPTER 23: HIGH-PILED COMBUSTIBLE STORAGE

- Design, installation, operation and maintenance of high-piled combustible storage (new to Fire Code)
- Sprinkler designs, egress plan

CHAPTER 24: TENTS AND OTHER MEMBRANE STRUCTURES

- Fire apparatus access, tent materials

CHAPTER 25: TIRE REBUILDING AND TIRE STORAGE

- Design, installation, operation and maintenance (new to Fire Code)

CHAPTER 26: WELDING AND OTHER HOT WORK

- Torch operations
- Hot work program (new to Fire Code)

CHAPTER 27: HAZARDOUS MATERIALS – GENERAL PROVISIONS

- “Heart” of hazardous material chapters
- Physical and health hazards, general storage, handling and use, transportation
- Facility closure plan, detached storage

CHAPTER 28: AEROSOLS

- Storage

CHAPTER 29: COMBUSTIBLE FIBERS

- Storage

CHAPTER 30: COMPRESSED GASES

- General compressed gas storage, handling and use requirements

CHAPTER 31: CORROSIVE MATERIALS

- Indoor and outdoor storage, handling and use (new to Fire Code)

CHAPTER 32: CRYOGENIC FLUIDS

- Storage, handling and use
- LNG (prohibition on new facilities)

CHAPTER 33: EXPLOSIVES, FIREWORKS AND SPECIAL EFFECTS

- Current code/rule requirements for explosives retained

- Fire Department monitoring, Certificates of Fitness
- Detailed storage and use requirements, unused explosive procedures
- Current code/rule requirements for display of fireworks
- Regulation of special effects (including pyrotechnic materials)

CHAPTER 34: FLAMMABLE AND COMBUSTIBLE LIQUIDS

- Current requirements for bulk plants and terminals and out-of-service tanks retained
- Reduced allowable outdoor aboveground tanks from 100,000 gallons total to 30,000 gallons
- Witnessing by FD representatives of piping and tank tests (new)
- License to install tanks (new)

CHAPTER 35: FLAMMABLE GASES

- Storage, handling and use limitations
- Prohibit flammable gas as anesthetizing agent

CHAPTER 36: FLAMMABLE SOLIDS

- New to Fire Code
- Indoor and outdoor storage, handling and use requirements

CHAPTER 37: HIGHLY TOXIC AND TOXIC MATERIALS

- New to Fire Code (hazard to firefighters)
- Fire and gas detection systems

CHAPTER 38: LIQUEFIED PETROLEUM GASES

- Maintain all current code/rule prohibitions, storage and use
- Current Code/Rule prohibitions on dispensing of LPG and filling LPG containers

CHAPTER 39: ORGANIC PEROXIDES

- Class I organic peroxides prohibited in Group A, E, I, R and U occupancies
- Detached and outdoor storage building

CHAPTER 40: OXIDIZERS

- Prohibited storage, handling and use
- Outdoor storage and detached storage building

CHAPTER 41: PYROPHORIC MATERIALS

- Outdoor storage and detached storage building (new to Fire Code)

CHAPTER 42: PYROXYLIN PLASTICS

- Storage, handling and use
- Quantity limits (workplace, cabinets, vaults)

CHAPTER 43: UNSTABLE (REACTIVE) MATERIALS

- Prohibited storage, handling and use
- Indoor and outdoor storage (new to Fire Code)

CHAPTER 44: WATER-REACTIVE SOLIDS AND LIQUIDS

- New to Fire Code
- Detached storage building requirements

CHAPTER 45: REFERENCED STANDARDS

- Lists all standards referenced in Fire Code

APPENDIX A: FEES

Current fees unchanged

Fees for new certificates and permits based on current cost-based fee structure

APPENDIX B: REFERENCED STANDARD MODIFICATIONS

Modification of National Fire Protection Association Fire Extinguishing System Standards based upon recommendations of the Building Code Fire Protection Technical Committee.



THE NEW YORK PETROLEUM TRADES ASSOCIATION

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CORPORATION

March 7, 2008

FOR THE RECORD

New York Fire Department
Bureau of Fire Prevention
9 Metrotech Center
Brooklyn, New York 11201

Attn: NICHOLAS SCOPPETTA Commissioner

Dear Mr. Scoppetta:

The petroleum trades association has reviewed the proposed changes to the qualifications for a Certificate of license holder for a Tank and Pump installer. We find these qualifications to be inadequate to protect public safety, and the safety of the environment. We therefore would like to suggest revisions as follows:

114.4 Minimum Qualifications: Applicants for certificate of license or renewals shall demonstrate compliance with the following minimum standards:

1. Be at least 18 years of age and have worked under the direct supervision and employment of a certificate of license holder for a period of not less than 7 years at the time of application. The Commissioner shall require an affidavit of employment, good character, reputation, and professional qualifications from such employer.
2. Be able to read write and speak the English language and meet the qualifications prescribed for the particular license for which the application is made. The applicant for license must be able to clearly and effectively answer such questions that the Commissioner may ask upon examination, and provide communication and documentation to the Fire Department as required.
3. The applicant shall evidence his qualification as and where required by the Commissioner at the time of application for license.
4. The Applicant shall be required to pass a written examination that demonstrates the applicants' knowledge of the Code, Laws and regulations governing the installation, alteration, testing and repair of liquid fuel and motor fuel storage systems, including the dispensing equipment for flammable and combustible liquids. The applicant shall be required to demonstrate knowledge of practical skills and safety requirements necessary to ensure the proper and safe performance of such work required of such license holder.

5. Applicants for license shall maintain a place of business within the City of New York at which place records of all work performed by license holder shall be maintained for inspection and review by the Commissioner as required. Such records shall be maintained at such office for a period of not less than 6 years and be made available to the Commissioner upon demand. Such place of business shall be consistent with the work to be performed by the license holder.

6. Applicants and license holders shall maintain minimum insurance coverage to perform the work. General liability of not less than 2 Million per occurrence, Workers Compensation as required by law, Pollution liability of not less than 1 million, and automotive insurance of not less than 1 million. To further guarantee public safety and a quality installation, a bond to the City of New York Fire Department by a recognized national surety of not less than \$100,000.

7. License holders seeking to renew certificates of license shall present evidence of continuing education in the field of work.

8. license holders shall maintain a minimum of 51% ownership in the company that is performing the work.

9. Certificate of license shall be renewable every three years, and only after presenting valid certificates of insurance, affidavits of continued education, valid bond and other documents the commissioner may deem required.

Our organization strives to improve the standards by which petroleum contracting work is performed within the City of New York. To this extent we join forces with the NYC Fire Department, the New York State DEC and the USEPA to accomplish these ends. Please consider the above revisions which we believe are necessary to assure improved competency, integrity and responsibility among the contractors in the petroleum industry. Public safety, and the safety of the employees in this field, requires that we cannot afford to be less stringent in this area.

Very truly yours,

The New York Petroleum Trades Association

Charles Nalbone, Pres.

Charles Nalbone
President.



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International Code Council Statement in Support of Int. No. 0732

Thank you Chairman Martinez and Honorable Members of the City Council Committee on Fire and Criminal Justice Services for providing me the opportunity to testify today on behalf of Intro 0732, concerning the New York City Fire Code.

My name is Bruce Johnson, Regional Manager, Fire Service Activities for the International Code Council. The Code Council is a non-profit membership association dedicated to building safety and fire prevention. Today, the International Codes[®] are used in all 50 states, the District of Columbia, Puerto Rico, the US Virgin Islands and in over 21,000 local jurisdictions in the United States. Architects, engineers and developers around the world often reference the International Codes. Examples include Macau, United Arab Emirates and Qatar. The Code Council consults with Mexico to develop a residential building code, assists Egypt in establishing training, certification and laboratory accreditation programs and works with Pakistan to improve seismic requirements. The Code Council translated its I-Codes[®] into Spanish and is assisting with translation of ASTM standards into Spanish. The Code Council has international chapters in Canada, New Zealand and Kenya and an office in Argentina to support the Latin and South American countries that are presently administering or considering adoption of the I-Codes.

New York City recently adopted a new Building Construction Code, based on the Code Council's *International Building Code*[®], which will take effect July 1st of this year. The adoption of Intro 0732 will complete the modernization of New York City's Construction and Fire Codes with a new Fire Prevention Code, based on the *International Fire Code*[®]. This new Fire Prevention Code is an essential companion code to the Building Construction Code. Together, these new regulations will give NYC a fully coordinated set of codes which encourage the use of new materials, products and systems. These two codes will support the issues important to New York City such as public, firefighter and construction site safety while providing economic growth, energy conservation, housing preservation and affordability.

As the proposed New York City Fire Prevention Code is based upon the 2003 *International Fire Code* (IFC[®]), I will explain the process by which the IFC is developed. All the I-Codes are revised on a periodic basis through a national consensus process. Each code development cycle has two public hearings; the initial Code Development Hearing and the Final Action Hearing. Any interested person or organization may submit a code change proposal and/or testify at either of the public hearings. Each code change proposal is heard by the appropriate Code Development Committee during a public hearing. Code Development Committees are comprised of subject matter experts from the public and private sectors. The Code Development committee hears testimony from all interested parties during the public hearing and then votes to accept, modify or deny the proposal. All code change proposals are acted upon at the Final Action Hearing. Only representatives of governmental members are eligible to vote at the Final Action Hearings, as their interest is focused on public safety and these members have no ties to special interest or personal financial gain. Uncontested proposals are grouped and voted on the consent agenda. All other proposals are open to public testimony followed by a vote of the governmental member representatives. It is the outcome of this vote that determines the content of the International Codes. In

accordance with Code Council Policies and Procedures, the Fire Department of the City of New York is a governmental member with 12 voting delegates.

During the last Code Development Hearings, over 300 code change proposals for the Fire Code were heard during three days of public testimony. Hundreds of interested people from the public sector (building and fire code officials), design professionals, building trades, labor and industry all presented testimonial information to help the Fire Code Development Committee make its recommendation on each of those code change proposals.

This national consensus process allows a thorough exchange of relevant information and a vetting of public testimony for each proposed code change. This process ensures a balanced approach so that the latest information, statistical data, technology for new building systems, materials or methods are all considered along with public and first responder safety, environmental considerations and economics in developing the next edition of the *International Fire Code*.

The New York City Fire department has worked for the past three years to diligently review the new Fire Prevention Code before you today. Many volunteers have participated in the complicated technical review of each chapter to ensure this code will meet the needs of New York City. The Code Council applauds the hard work of the FDNY and the investment of thousands of hours by dedicated professionals from many disciplines to bring Intro 0732 before you today.

The Code Council is pleased to partner with the City of New York, and we look forward to continuing to serve your needs. The mission of the Code Council is to provide the highest quality codes, standards, products, and services for all concerned with the safety and performance of the built environment. The Code Council has proposed a Fire Code training plan with courses targeted for FDNY fire prevention staff as well as members of the fire protection industry and professional organizations to assist in their preparation for the code implementation effective date of July 1. Additionally, the Code Council has several certification programs for inspectors, contractors and the construction trades to enhance expertise and professionalism.

Thank you for the opportunity to present testimony to you today. I am pleased to answer any questions or provide additional documentation.

Contacts for further information:

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Jim Tidwell, Deputy Senior Vice President, Government Relations JTidwell@iccsafe.org

Dorothy Harris, Vice President of State and Local Government Relations North DHarris@iccsafe.org

**PROPOSED
NEW YORK CITY
FIRE CODE**

Comments and Proposals

**Submitted by: New York
Association of Fire Equipment
Distributors**

FIRE CODE GENERAL COMMENTS

**Thank you for allowing us to voice our concerns about the
“PROPOSED New Fire Code”**

Our organization is made up of professionals in the Portable Fire Extinguisher and the Fire Suppression System Industry. The 8 organization members who worked on these code comments have a combined experience of more than 200 years in this industry. My name is Neil Crowley. I am the President of the organization and sit on the Board of Directors. I am also the New York State representative of the National Association of Fire Equipment Distributors. I also have a number of years of experience on DOB Code Review Committees.

Approximately 7 years ago the Fire Department made a major revision to the Fire Code section that regulates Portable Fire Extinguishers. The changes were made with little or no input from industry experts. As a result of the intervention of a high level manager in the FD we were given a chance to comment. We spent hundreds of man hours putting together comments based on national standards, existing state licensing laws, and the NFPA licensing law standard NFPA-10L. Our comments were accepted by the FD and quietly buried.

The new law solved some of the problems in our industry. Unfortunately, for every problem that the new law solved, it created two more. We do not think it prudent to let that happen a second time. That is why we are making these comments

The “Proposed New Fire Code” uses NFPA-10 1998, as the base document for regulating Portable Fire Extinguishers (PFE). This edition of NFPA-10 is OBSOLETE!! Numerous

technical changes have taken place in this industry that are not recognized by the 1998 edition of NFPA-10. The correct use of this document requires training. There are no classes for the 1998 edition. All training nationwide is based on the 2007 edition. Comments 001 thru 010 detail just how out of date the "Proposed New Fire Code" would be if it is not revised. It is detrimental to public safety to use obsolete standards for a "New Fire Code"

The FD must require a Certificate of Insurance from any company they issue a company COF to. It is in the public interest to guarantee that the consumer is properly protected in the event a "Problem" arises. (Comment 011)

The "New Code" added a new COF for "DOOR to Door Sales" We have found no one in this industry who thinks this is a good idea. PFE's are already sold by licensed companies' city wide. They are in retail stores city wide. The FD has no way of regulating door to door sales. A PFE is a life safety device. Does anyone think a door to door sales person should recommend the type, size, and placement of any device your life may depend on??

The New York City Fire Department has a highly respected and nationally recognized Range Hood Unit. They are trained experts in the Fire Suppression System field. Other jurisdictions look to them for leadership in this area. Comment 014 was a proposal sent to the Range Hood Unit from our industry more than two years ago. They were in agreement that this is an important item and should be included in the "Old Code". Now that the "Old Code is being retired this item should be in the "New Code"

Comment 017 is the most important Fire System comment our industry will make. The industry had numerous problems with new fire system installations and the maintenance of existing units. Those problems are for the most part, a thing of the past. The most important reason for the improvements was the "Factory Trained and Qualified" requirement in the

existing Fire Code. This allows the Fire Department to insure that a high degree of public safety is maintained in new Fire System Installations and in the Service and Inspection of Existing Systems. This item is a topic when ever our industry meets with the Range Hood Unit at the Fire Department. We are in complete agreement on this requirement.

Comment 015 addresses the requirement for an annual inspection of all Range Hood Fire Systems. Removing that requirement and substituting a "permit" is a giant step backwards. It is one that we should not take.

There are a number of other comments that we did not make that should be addressed. The "New Code" eliminates ROOM INTEGRITY TESTING for clean agents, under most conditions. It is our understanding that nearly 40% of the existing rooms currently fail this test.

There is a common theme to all of the comments in this presentation. We are asking for standards that recognize modern up to date technology. We are asking for strict regulation of our industry to prevent a return to the past problems. We want a Fire Code that puts a premium on public safety. We think that this is the least New York City deserves.

Proposed New York City Fire Code Comments and Proposals

Date <u>2/27/08</u>	No <u>001</u>	Ref. <u>NFPA-10/98 vs 10/07</u>
Date <u>2/27/08</u>	No <u>002</u>	Ref. <u>NFPA-10 2007</u>
Date <u>2/27/08</u>	No <u>003</u>	Ref. <u>NFPA-10 2007</u>
Date <u>2/27/08</u>	No <u>004</u>	Ref. <u>NFPA-10 2007</u>
Date <u>2/27/08</u>	No <u>005</u>	Ref. <u>NFPA-10 2007</u>
Date <u>2/27/08</u>	No <u>006</u>	Ref. <u>NFPA-10 2007</u>
Date <u>2/27/08</u>	No <u>007</u>	Ref. <u>NFPA-10 2007</u>
Date <u>2/27/08</u>	No <u>008</u>	Ref. <u>NFPA-10 2007</u>
Date <u>2/27/08</u>	No <u>009</u>	Ref. <u>NFPA-10 2007</u>
Date <u>2/27/08</u>	No <u>010</u>	Ref. <u>NFPA-10 2007</u>
Date <u>2/27/08</u>	No <u>011</u>	Ref. <u>Insurance</u>
Date <u>2/27/08</u>	No <u>012</u>	Ref. <u>PFE Sales COF</u>
Date <u>2/27/08</u>	No <u>013</u>	Ref. <u>Foam Systems</u>
Date <u>2/27/08</u>	No <u>014</u>	Ref. <u>Acceptance Testing</u>
Date <u>2/27/08</u>	No <u>015</u>	Ref. <u>Com. Cooking Permits</u>
Date <u>2/27/08</u>	No <u>016</u>	Ref. <u>Monthly Inspections</u>
Date <u>2/27/08</u>	No <u>017</u>	Ref. <u>Systems Training</u>
Date <u>2/27/08</u>	No <u>017A</u>	Ref. <u>Systems Training</u>

Proposed New York City Fire Code Comments and Proposals

**Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 001**

Comment/Proposal:

**Replace Reference Standard NFPA-10 1998 with
NFPA-10 2007**

Justification:

- 1) NFPA-10 1998 is more than a decade out of date. New data and technical advances have made NFPA-10 1998 obsolete.**
- 2) The correct use of a document of this type (NFPA-10) requires proper training. The only training available is on a national level. It is based on the 2007 version of this Standard.**
- 3) New York should use the best available information and technical standards for the New Fire Code. This is a Life Safety issue that must be addressed**

Proposed New York City Fire Code Comments and Proposals

Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 002

Comment/Proposal:

Upgrade New Code to NFPA-10 2007

Justification:

New Fire Code is OBSOLETE , advances in Fire
Equipment have passed it by.

It does not adequately address specialized
equipment to combat Flammable liquid and
pressurized gas fires. This issue is addressed in
section 5.5.1.1 of NFPA-10 2007.

Proposed New York City Fire Code Comments and Proposals

Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 003

Comment/Proposal:

Upgrade New Code to NFPA-10 2007

Justification:

**New Fire Code is OBSOLETE , advances in Fire
Equipment have passed it by. It does not
adequately address specialized equipment to
combat three dimensional fires. Section 5.5.2 of
NFPA-10 2007 addresses this issue.**

Proposed New York City Fire Code Comments and Proposals

Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 004

Comment/Proposal:

Upgrade New Fire Code to NFPA-10 · 2007

Justification:

New Fire Code is OBSOLETE , Advances in Fire
Equipment have passed it by. It does not
adequately address specialized equipment to
combat obstacle fires. Section 5.5.4 of NFPA-10
2007 addresses this issue.

Proposed New York City Fire Code Comments and Proposals

Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 005

Comment/Proposal:

Upgrade New Fire Code to NFPA-10 2007

Justification:

New Fire Code is OBSOLETE. The methods of hanging a Portable Fire Extinguisher are not addressed. Section 6.1.3.4 of NFPA-10 2007 addresses this problem.

Proposed New York City Fire Code Comments and Proposals

**Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 006**

Comment/Proposal:

**Upgrade New Fire Code to NFPA-10 2007
OR change the COF requirements.**

Justification:

**The New Fire Code does not adequately address
the training requirements of personnel
performing maintenance on portable fire
extinguishers. Section 7.1.2.1 of NFPA-10 2007
Addresses this problem**

Proposed New York City Fire Code Comments and Proposals

**Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 007**

Comment/Proposal:

**Upgrade New Fire Code to NFPA-10 2007
OR change the COF requirements.**

Justification:

**The New Fire Code does not adequately address
the training requirements of personnel
performing Servicing & Recharging on portable
fire extinguishers. Section 7.1.2.2 of NFPA-10
2007 addresses this problem.**

Proposed New York City Fire Code Comments and Proposals

**Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 008**

Comment/Proposal:

**Upgrade New Fire Code to NFPA-10 2007
OR change the COF requirements.**

Justification:

**The New Fire Code does not adequately address
the training requirements of personnel in the Fire
Equipment Industry. Section 3.3.4 of NFPA-10
2007 addresses this problem.**

Proposed New York City Fire Code Comments and Proposals

**Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 009**

Comment/Proposal:

**Upgrade New Fire Code to NFPA-10 2007
OR change the COF requirements.**

Justification:

**The New Fire Code does not address the
requirement to have an accurate calibrated gauge
to set the pressure for recharging a PFE. Section
7.4.4.2.1.3 of NFPA-10 2007 addresses this and
corrects this problem.**

Proposed New York City Fire Code Comments and Proposals

Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 010

Comment/Proposal:

Upgrade New Fire Code to NFPA-10 2007

Justification:

The New Fire Code does not adequately address the requirements to remove Obsolete Portable Fire Extinguishers. There are only 6 types listed in the New Fire Code. There are 13 listed in Section 4.4 of NFPA-10 2007 Obsolete PFE's are dangerous to the end user and to the servicing agency.

This list also contains PFE's that were tested to a UL Standard (UL-299) that was revised in the early 1980's. The ratings are not compatible with current coverage requirements.

Proposed New York City Fire Code Comments and Proposals

**Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 011**

Comment/Proposal:

**Any person or persons applying for a company
COF should have proof of all legally required
insurance (Workmen's Compensation &
Disability). In addition Product Liability
insurance should be required.**

At this time the FD does not check for insurance

Justification:

**When the NYFD Issues a COF to any company
there is an implied aura of "Respectability" that
goes with it. That is often a false assumption. It is
in the public interest to insure that all companies
working on life safety equipment have some
method of compensating the public if a "Problem"
arises.**

**NOTE: This comment applies to Portable Fire
Extinguishers (PFE) and Commercial Exhaust
Cleaning Companies**

Proposed New York City Fire Code Comments and Proposals

Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 012

Comment/Proposal:

**Remove “Portable Fire Extinguisher Sales
Company” from section 902.1**

Justification:

**It is not in the public interest to sell Life Safety
Equipment door to door. Exactly what recourse
would the public have after the salesperson leaves
the location. This type of sales leads to numerous
abuses. The FD does not have the resources to
oversee this type of operation.**

Proposed New York City Fire Code Comments and Proposals

**Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 013**

Comment/Proposal:

Add item 5 to 901.4.5

5. Foam Fire Extinguishing Systems

Justification:

**Foam Fire Extinguishing Systems was overlooked
in this section.**

Proposed New York City Fire Code Comments and Proposals

Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 014

Comment/Proposal:

Section 904.11.4 “Acceptance Testing” Revise to read: 2. A performance test of the fire extinguishing system conducted before a representative of the department, in accordance with applicable installation standard set forth in this chapter and its listing. This test shall be conducted every 5 years

Justification:

Out of service fire systems often can not be visually identified. Only a performance test can uncover the defects. Testing of this type is the only way to insure the operation of vital life safety systems.

Proposed New York City Fire Code Comments and Proposals

**Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 015**

Comment/Proposal:

Section 105.6 Remove the requirement for a permit to operate a commercial cooking system. Replace with “Commercial Cooking Systems shall be inspected by the FD on an annual basis.”

Justification:

The annual inspection exists in the current code. It was a system that worked well when inspectors with specialized training were assigned to this task. Unfortunately the FD shifted the inspection duties to a unit that keeps track of “permits”. Yearly inspections by the FD are a vital part of the chain of events that keeps an important life safety device in working order. Public safety should not be sacrificed to internal FD politics.

Proposed New York City Fire Code Comments and Proposals

Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 016

Comment/Proposal:

Add "by the owner" to Section 904.11.6.4
Maintenance. "At least once per month, an
inspection shall be conducted BY THE OWNER
to access that the system is in good working
order"

Justification:

This section is not clear who has the responsibility
of conducting the monthly inspection. This
comment resolves that problem.

NOTE: The UL listing on Fire Systems requires a
"Daily Inspection" to insure the system is
operable.

Proposed New York City Fire Code Comments and Proposals

Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 017

Comment/Proposal:

Revise the second sentence of section 904.11.6.4
Maintenance. To read: "A licensed Master Fire
Suppression Piping Contractor, **FACTORY
TRAINED AND QUALIFIED** and having
knowledge of the system....."

Justification:

There are no Fire System training schools that
approach the technical expertise or the training
level of the factory schools. New information that
is vital to keeping a Fire System in service is
passed on in these schools. Each qualified
individual is required to attend a training school
and pass a certification test on a regular basis.
(Usually every 2 years) In between schools each
factory authorized individual receives
Engineering bulletins to keep them up to date on
current advances and "problems". (see next page)

Proposed New York City Fire Code Comments and Proposals

**Submitted By New York State Association of Fire
Equipment Distributors Date 2/27/08 No 017A**

Justification:

**(Continued from previous page) Engineering /
Service Bulletins are not distributed or available
outside the Factory Trained and Qualified
network. UL listings for Fire Systems require the
Maintenance to be performed by a factory trained
and authorized individual. This provides the end
user with some assurance that the maintenance is
properly accomplished. This also provides an
insurance “umbrella” from the manufacturer.
Without prescreening by the FD there is no way
for the public to ascertain the contractors
qualifications. The wording we suggested is in
the current Fire Code. It would be a disservice to
the public not to include it in the new Fire Code.
It would also have a detrimental effect on public
safety.**