NFPA Talking Points on NFPA 1 Fire Code update to the 2015 Edition:

The legislative study committee established by HB 427 report dated November 1, 2016 reads "Members support uniformity for the most fundamental aspects of fire safety, but believe that there should be some flexibility in applying the code requirements in certain circumstances. These should be based on a case by case review by the State Fire Marshal who should be required to apply the least restrictive alternative." The adopted codes are to bring consistency across the state in fire safety. The flexibility is already allowed as the code recognizes and allows equivalencies. The NH RSA 153:4-a1 allows the state fire marshal "to approve, disapprove, or allow exceptions to any fire safety rule" which provides the ability to be flexible. This is extremely important in today's fast changing technological environment.

The adoption of the 2015 edition of NFPA 1 Fire Code meets the expectations of the study committee in providing the consistency in codes along with maintaining the flexibility that has been enjoyed in the past.

ACTIONS FOR POLICYMAKERS:

- Pass HB 168 updating the NFPA 1 Fire Code from the 2009 to the 2015 edition. Adopt current and complete codes which are updated regularly at the national level to reflect the latest safety advances and should be updated regularly at the state level as well. Referenced standards for testing, installation and inspection of building products and safety systems should all remain as code requirements.
- Support our skilled workforce of knowledgeable and experienced professionals, like licensed architects by providing the most up to date documents for designing and building in New Hampshire.
- Provide code enforcement officials with resources they need to make sure sufficient resources are available to ensure construction meets code requirements and monitor buildings for dangerous conditions to provide the minimum for public safety.

The purpose of maintaining an acceptable level of public safety includes raising public awareness about safety risks in our communities to include where we build, how we build, and our habits in our homes that shape the risks we face from fire and other life safety hazards.

New England State using NFPA 1:

Vermont – NFPA 1 (2015 editions)

Rhode Island – NFPA 1 and 101 (2012 editions)(working on 2015)

Connecticut – NFPA 1 2012 for existing occupancies

Maine – NFPA 1 2006 edition (working on 2015)

Massachusetts – NFPA 1 2015 edition effective January 1 , 2018

NFPA 1 reflects the technical knowledge of the committees who are responsible for the codes and standards that are referenced in and from which text is extracted and incorporated into the technical provisions of NFPA 1. This Code is intended to provide state, county, and local jurisdictions with an effective fire code.

Primary responsibility for documents within the NFPA 1 Fire Code includes appropriate administrative provisions, to be used with the National Fire Prevention Codes for the installation, operation, and maintenance of buildings, structures, and premises for the purpose of providing safety to life and property from fire and explosion. This includes development of requirements for, and maintenance of, systems and equipment for fire control and extinguishment. Safety to life of occupants of buildings and structures is the primary goal of the Committee on Safety to Life.

New Hampshire's Fire Codes date back many years and in different forms well into the 1800's however nationally recognized published codes that I have found adopted for New Hampshire are:
1975 to 1984 Fire Prevention Code published by the AIA (American Insurance Association)(no longer published)
1984 to 1996 Fire Prevention Code published by BOCA (Building Officials and Code Administrators)(no longer published)
1996 to present NFPA 1 Fire Code published by NFPA (National Fire Protection Association)

The scope includes the following:
(1) Inspection of permanent and temporary buildings, processes, equipment, systems, and other fire and related life safety situations
(2) Investigation of fires, explosions, hazardous materials incidents, and other related emergency incidents
(3) Review of construction plans, drawings, and specifications for life safety systems, fire protection systems, access, water supplies, processes, hazardous materials, and other fire and life safety issues
(4) Fire and life safety education of fire brigades, employees, responsible parties, and the general public
(5) Existing occupancies and conditions, the design and construction of new buildings, remodeling of existing buildings, and additions to existing buildings
(6) Design, installation, alteration, modification, construction, maintenance, repairs, servicing, and testing of fire protection systems and equipment
(7) Installation, use, storage, and handling of medical gas systems
(8) Access requirements for fire department operations
(9) Hazards from outside fires in vegetation, trash, building debris, and other materials
(10)Regulation and control of special events including, but not limited to, assemblage of people, exhibits, trade shows, amusement parks, haunted houses, outdoor events, and other similar special temporary and permanent occupancies
(11) Interior finish, decorations, furnishings, and other combustibles that contribute to fire spread, fire load, and smoke production
(12) Storage, use, processing, handling, and on-site transportation of flammable and combustible gases, liquids, and solids

(13) Storage, use, processing, handling, and on-site transportation of hazardous materials
(14) Control of emergency operations and scenes
(15) Conditions affecting fire fighter safety
(16) Arrangement, design, construction, and alteration of new and existing means of egress

Retroactive Application means the building is maintained to the code in effect at the time of construction and as a means of positive example: it is not the Codes intent to retroactively require a automatic sprinkler system to be brought up to the current edition of the code. To use this code retroactively there has to be specific language in the code.

Grandfathering concepts in essence allow a building to remain in use provided the building was built to meet the prevailing code at the time of construction. This literally permits a building to remain in use, regardless of new lessons learned or changes to codes deemed necessary to improve the level of safety in existing buildings. The State Fire code recognizes the importance of new lessons learned while respecting a building that was constructed in accordance with the code at the time of construction. Through this arrangement, NFPA 1 and 101 sets a minimum level of protection, which in many cases, will require the building to be enhanced with further life safety improvements.
The main point is all buildings are existing building and once occupied need to be maintained to a certain standard to keep occupants safe. On the other end all the process, equipment, and haz-mat issues are in ongoing need of maintenance, operations and control.

Things change on a regular basis and if not monitored, catastrophe will result. Not inspecting existing buildings is like deferred maintenance; sooner or later you will need to spend more money to fix or a major incident will happen.

E.g. the pendulum swings far right then far left, like the RI incident or Charleston, SC which had no inspection program with their loss (they now have a full inspection program.)

Grandfathering: A Cautionary Tale: Prior to 2003, the State of Rhode Island fire code allowed grandfathering of existing buildings. Buildings were held to the code in effect at the time of construction/occupancy. This resulted in a convoluted patchwork code that required inspectors and marshals to maintain libraries of codes dating back dozens of years to cover older buildings. Owners were not required to keep up with technology in fire detection and suppression systems and often maintained out of date, obsolete systems of questionable reliability. Not to mention the lengths owners would go to avoid having to upgrade to the new fire code (i.e. 49% renovations vs. 50+% that would require upgrade.)

The building that housed the Station Nightclub in West Warwick RI, was originally constructed as a small restaurant, requiring, by code, little more than a fire alarm system, tied to the fire department (RI code, not a model code requirement at the time).

Over the years the restaurant morphed into a nightclub with an occupant load several times that of the original occupancy. With the RI Fire Code in effect at the time, these changes of use were overlooked, and only liquor license inspections were conducted regularly.

Had the nightclub been held to the requirements of a "new" place of assembly with an occupant load of over 300, sprinklers would have been required. Note many of New Hampshire's nightclubs have sprinkler protection and some applied for a variance using a performance based design to meet life safety. That type of design in some cases as an example included additional exists and fire alarm monitoring .

It goes without saying what role sprinklers would have played the night of February 20, 2003 at the Station. NIST research has shown the fire would have been extinguished with 4 sprinkler heads and every occupant would have been able to exit safely. Instead, 100 patrons perished in the fire and over 200 were injured.

There are some legislators commented that the people do not feel they need the codes. In July 2017, the NFPA Fire & Life Safety Policy Institute commissioned an independent telephone survey of more than 1,000 U.S. residents to learn their views on government's roles and responsibilities for building, fire, and life safety efforts. The results overwhelmingly show that Americans expect and trust that government decision makers on the local, state, and federal levels are acting in the interest of safety when it comes to supporting and adopting the latest fire safety codes in homes and in commercial buildings.

Recent fires and ongoing efforts by special interests to forestall safety measures like pushing for delays in the adoption of updated building and fire codes with the latest safety information, or the removal of important life safety proven technology, raise concerns that policymakers may be taking safety for granted. Yet those polled believe government should be held accountable for ensuring current codes are implemented and enforced. The codes
should also contain the latest safety technology and advancements, and
should not be weakened by the removal of requirements.

For example:
» 81% of U.S. adults feel policymakers should prioritize fire safety; they expect policymakers to view keeping fire safety codes up-to-date with new information and research as a
high priority.
» 74% trust their state and local leaders to adopt the latest fire safety codes for safety in residential construction; 77 percent agree this is true for commercial construction.
» 65% trust their state and local leaders to keep codes as safe as possible and to not weaken them by removing provisions that apply the latest knowledge and safety advancements.

Also recent tragedies resulting in heavy loss of life, however, illustrate the consequences when there are gaps in this ecosystem (see attached document).

Policymakers play a key role in supporting and influencing the complete fire prevention and protection ecosystem relied on by the public.

There have been some legislator's comments relative to the codes adopted by reference. Codes adopted by reference are used within the Fire Code and are a specific edition that is adopted.

- To begin one has to understand that NFPA 1 Fire Code presents an integrated approach to fire code application and hazard management that gives fire chiefs, marshals, architects, engineers, building owners -- and anyone involved with hazardous materials -- a comprehensive source of essential safety knowledge.
- This code essential is nothing more than a collection of NFPA codes that deal with the current hazards. By means of positive example more than ½ of the document deals with the NFPA 101 Life safety Code which the state has already adopted the 2015 edition, and the rest deals with hazardous materials and processes along with maintenance for building safety systems.
- The 13 codes adopted by reference changes between the 2009 and 2015 edition that are removed or combined with another code:
  NFPA 251, NFPA 255, NFPA 256, NFPA 27, NFPA 430, NFPA 432, NFPA 434, NFPA 490, NFPA 560, NFPA 1123, NFPA 1124, NFPA 1141 and NFPA 1600
- The 11 Codes adopted by reference changes between the 2009 and 2015 edition that are added or combined with another code:
  NFPA 2, NFPA 75, NFPA 76, NFPA 92, NFPA 130, NFPA 289, NFPA 400, NFPA 408, NFPA 720, NFPA 2010, and NFPA 2113
- The Board of Fire Control held a public hearing on code changes in anticipation of the 2015 edition being adopted and they voted to keep all the amendments that had been approved by the 2012 legislature in place, amended out the NFPA 5000 as the state adopts the IBC as the building code, NFPA 1123 remains the same edition and amendments for the fireworks industry which they supported, NFPA 1 20-11.4.7 added an additional option for new technology to protect lightweight floor construction, eliminated NFPA 1 1.16 violations and penalties section as it is addressed in statute, eliminated NFPA 1 10.10.6.2 for grill storage as it is addressed in statute, and these amendments need to be ratified by the legislature as part of the process.