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2008 Annual NFPA Technical Meeting

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ANNUAL 2008 NFPA ASSOCIATION TECHNICAL MEETING

Held at the Mandalay Bay Hotel & Casino
Las Vegas, Nevada

On Thursday, June 5, 2008
At 8:00 a.m.

Reported by: Deborah Ann Hines, CCR #473, RPR

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1 MR. CLARY: Good afternoon, ladies and
2 gentlemen. I'm Shane M. Clary and I have the
3 distinct pleasure and privilege of being a member of
4 your Standards Council. I now declare that a quorum
5 exists and convene the 2008 Annual Association
6 Technical Meeting. To assist me is Leona Attenasio
7 Nisbet of the NFPA staff who is serving as staff
8 coordinator. I'd also like to introduce Milosh
9 Puchovsky, secretary of the Standards Council; Jim
10 Pauley, Chair of the Council; and Maureen Brodoff,
11 NFPA General Counsel. This session will be recorded
12 by Debbie Hines of Laurie Webb & Associates.

13 First, let me address our safety issues.
14 Let's take a minute and note the exits from this
15 room. Now that you have noted the closest exit to
16 you, I'd like to inform you that the fire alarm
17 signal for the Mandalay Bay Convention Center is a
18 slow whoop along with a flashing strobe light
19 followed by a voice announcement.

20 As with any organization, we have certain
21 rules and protocols. First, use of video and/or
22 audio recording devices of any type are not allowed
23 during the Association Technical Meeting. I'd like
24 to call your attention to the Guide for the Conduct
25 of Participants in the NFPA Codes and Standards

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1 Development Process. As a participant in the
2 process, you should be familiar with this Guide. I'd
3 also like to call your attention to the NFPA
4 Convention Rules which set the process to be followed
5 today. Copies of both documents are contained in the
6 NFPA Directory which is posted on the NFPA web site
7 with copies also available at the NFPA registration
8 desk. The certified amending motions that comprise
9 the agenda for today's session will be taken in the
10 order printed in the yellow handout entitled Annual
11 2008 NFPA Association Technical Meeting Certified
12 Amending Motions.

13 The primary regulations governing the NFPA
14 codes and standards development process, including
15 processing of amending motions at the Association
16 Technical Meetings, are the Regulations Governing
17 Committee Projects. These regulations are also
18 printed on the NFPA web site and published in the
19 NFPA directory.

20 I'd like to say a few words about the
21 actions that can be taken today in the voting
22 procedures. At this session, you are being asked to
23 act on certain motions pertaining to the Technical
24 Committee Reports. These Reports for today's
25 sessions for the 2008 NFPA Annual Revision Cycle will

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1 be found in the Report on Proposals, volume one, the
2 Report on Proposals for NFPA 5000, 101 and 1, volume
3 two, and the Report on Comments, the blue book.

4 Under convention rules, before a motion can
5 be considered for action at this Association
6 Technical Meeting, the intended maker of the motion
7 must have filed a Notice of Intent to Make a Motion,
8 a NITMAM, prior to the published deadline of
9 April 4th, 2008. These NITMAMs were reviewed by a
10 Motions Committee appointed by the Standards Council
11 chair.

12 The Motions Committee certified these
13 NITMAMs in compliance with the NFPA rules as
14 Certified Amending Motions and published the report
15 on May 5th, 2008. Table A of this report, the yellow
16 handout, identified the Certified Amending Motions
17 for consideration today. Only Certified Amending
18 Motions, together with certain allowable Follow-Up
19 Amending Motions, that is, motions that become
20 necessary as a result of successful Certified
21 Amending Motions, will be allowed at this meeting.

22 There is a further requirement that a person
23 must sign in to indicate that they are, in fact, here
24 to pursue their motion. As part of these procedures,
25 statements for the record, that is, statements

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1 concerning Technical Committee actions for which no
2 Certified Amending Motion or allowable follow-up
3 motion is available are not permitted.

4 In accordance with 4.6.10 of the
5 Regulations, if a quorum is challenged and found to
6 be no longer present, 100 members, the session will
7 be terminated without further action on the Reports.
8 Any Reports on Documents that have not been acted on
9 shall be forwarded directly to the Council without
10 the recommendation of this meeting for action in
11 accordance with 4.8 of the Regulations. If a quorum
12 is lost during the consideration of a Report, any
13 motion to amend or return that Report that have
14 passed prior to the loss of a quorum will be
15 processed and forwarded to the Council in accordance
16 with 4.6 and 4.7 of the Regulations.

17 Any appeal based on action by the
18 Association at this meeting must be filed with the
19 Standards Council within 20 days of this meeting,
20 that is, June 26th, 2008. Any amendment accepted at
21 this meeting that fails to pass the subsequent
22 committee ballot will automatically be docketed as an
23 appeal to the Standards Council agenda in accordance
24 with 1.6.2(b) of the Regulations. Note, however,
25 that if an automatically docketed appeal is not

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1 pursued by a party, the Council need not consider it.

2 The votes cast in this Technical Association
3 Meeting today and the discussions that lead to the
4 voting are an integral and important part of the NFPA
5 consensus process. The Association Technical Meeting
6 is the forum where the membership considers changes
7 to the Reports prepared by the NFPA Technical
8 Committees considering proposed or revised NFPA codes
9 and standards when such changes are pursued via
10 Certified Amending Motions. Through the motions,
11 debate and voting at this meeting, the membership
12 shall make recommendations to the Standards Council.
13 The Standards Council, under NFPA rules, is the
14 official issuer of NFPA codes and standards.

15 The majority vote of the persons present
16 here today is for the sole purpose of making a
17 recommendation to the Standards Council on the
18 disposition of the report. The Standards Council
19 will meet on July 22nd through July 24th, 2008 in
20 Quincy, Massachusetts to make a judgment on whether
21 or not to issue a document. The Council's decision
22 on document issuance is based on the entire record
23 before it including the discussion and vote taken at
24 this NFPA meeting.

25 Limited review, following action by the

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1 Standards Council, may also be available through a
2 petition to the Board of Directors. Any such
3 petition must be filed within 15 days of Council
4 action in accordance with the Regulations Governing
5 Petitions to the Board of Directors from Decisions of
6 the Standards Council. The deadline notice for such
7 petition is August 8, 2008.

8 With respect to voting procedures, the
9 Regulations state that voting at NFPA meetings shall
10 be limited to the following:

11 Those present who are Voting Members of the
12 Association, that is, those with red badges and
13 Member written across them.

14 If you are not a voting member of record of
15 the Association registered at this meeting, I ask
16 that you refrain from voting. You need not be a
17 member of an NFPA section in order to vote, you must,
18 however, be a Voting Member. Only Voting Members of
19 record should be seated in the front areas. Those
20 seated in the back areas will not be counted.

21 Voting will be undertaken in the following
22 manner:

23 There will be no voice votes. The first
24 vote will be by raising of hands. If that is not
25 conclusive, we will proceed to the standing count of

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1 regular voting members.

2 I wish to state at the outset that I will
3 not cast a vote. Therefore, in the event of a tie
4 vote, the issue automatically fails.

5 Once a report and Certified Amending Motion
6 is presented, it is open for discussion, and anyone
7 in the room has the privilege of participating. The
8 Chair asks that you preface your remarks with your
9 name and your company or organizational affiliation.
10 Let me repeat that, your name and your company or
11 organizational affiliation should preface your
12 remarks.

13 As you can see, we have red and green signs
14 at the mikes in the room. Red signs indicate
15 opposition to a position and green signs indicate
16 support of a position. I would also ask that you
17 stand at the appropriate mike and state at the
18 beginning of your remarks whether you are in support
19 or opposition to the motion being debated.

20 Please be aware that no one participating in
21 the floor motions or debate at this meeting is
22 authorized to act as an agent or speak on behalf of
23 the NFPA, and views expressed during motions and
24 debate, including those expressed on behalf of the
25 NFPA Technical Committees or other entities operating

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1 within the NFPA system, do not necessarily reflect
2 the views of the NFPA.

3 Now, a note about NFPA Sections. From time
4 to time the Chair or other representative of an NFPA
5 Section may rise during the debate to state the
6 position of an NFPA Section on a motion that is under
7 consideration. NFPA Sections are groups of NFPA
8 members organized around particular subjects, such as
9 the Electrical, Fire Service , or Health Care
10 Sections.

11 Under the Regulations Governing NFPA
12 Sections, a Section may take a position on an issue
13 on the floor of an Association Technical Meeting.
14 The position of a Section does not necessarily
15 reflect the views of all Section members. Rather, a
16 Section may state a position on a motion if the
17 majority of a Section members attending a Section
18 meeting have approved that position and there are at
19 least 25 votes cast at the Section meeting.

20 The position of a Section is accorded no
21 special status in the NFPA codes and standards
22 development process and, just as you would with any
23 other position expressed during the debate today,
24 you, as voting members of the Association, may weigh
25 and assess such positions as you deem appropriate.

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1 Given the size of the agenda and the amount
2 of material we have to get through, we will start out
3 with five minutes per speaker, but it is my plan to
4 limit the time as appropriate in the event that it
5 becomes necessary. We have a timer in the middle of
6 the front table to let you know when you are running
7 out of time. The timer will flash yellow at four
8 minutes and red at five minutes.

9 The Chair reserves the right to hear any new
10 speaker before yielding the floor to anyone wishing
11 to address the same issue a second time.

12 Motions that are in order, to Certified
13 Amending Motions, are contained in the yellow handout
14 entitled Annual 2008 NFPA Association Technical
15 Meeting Certified Amending Motions which are
16 available at the registration desk and at the back of
17 the room today. The motions pertain to the documents
18 are also contained on page 66 of the Annual Meeting
19 Program. As previously stated, this meeting is
20 conducted in accordance with the NFPA Convention
21 Rules that are available on the NFPA web site and
22 there are copies at the NFPA registration desk.

23 Upon completion of action on all Certified
24 Amending Motions related to an NFPA document, the
25 Presiding Officer shall entertain any follow-up

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1 motions. A follow-up motion is a motion that becomes
2 necessary as a result of a previous successful
3 Amending Motion. A motion to return a document or to
4 return a portion of a document, affected by a
5 previous successful amending motion, is always in
6 order as a follow-up motion as long as it is not
7 repetitious. The Presiding Officer shall make the
8 determination on whether a motion is a proper
9 follow-up motion. The maker of the motion shall be
10 required to explain why it is a proper follow-up
11 motion. A follow-up motion shall require two
12 seconders.

13 Finally, I would like to stress that the
14 rules that we are operating under today are designed
15 to improve the efficiency and the quality of the
16 Association Technical Meeting by eliminating the need
17 to present uncontested documents, by giving you, the
18 NFPA membership, advanced notice of the amending
19 motions that are to be presented and by giving me,
20 the Presiding Officer, greater discretion in managing
21 the debate in order that the issues are as fully
22 debated as possible in the available time. It is my
23 hope and expectation that together we will make this
24 Association Technical Meeting a success, and I thank
25 you in advance for your cooperation, patience, and

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1 when we are done, your comments and suggestions for
2 the future.

3 Before we start I would also like to
4 announce that we will be taking comfort breaks as
5 necessary.

6 The first report this morning under
7 consideration is that of the Technical Committee on
8 fire tests. Here to represent the committee is
9 committee member Jesse Beitel of Hughes Associates,
10 Baltimore, Maryland.

11 The report can be found in the blue 2008
12 Annual Revision Cycle ROP and ROC. The Certified
13 Amending Motions are contained in the Motions
14 Committee report and behind me on the screen. We
15 will proceed in the order of the motion sequence
16 number present. Mr. Beitel.

17 MR. BEITEL: Thank you, Mr. Chair.
18 Mr. Chair, ladies and gentlemen, the report of the
19 Technical Committee on fire tests on NFPA 275 can be
20 found in the Report on Proposals and the Report on
21 Comments for the 2008 Annual Meeting Revision Cycle.

22 The Technical Committee's report proposes
23 for adoption a new standard, NFPA 275, standard
24 method of fire tests for the evaluation of thermal
25 barriers used over foam plastic insulation. The

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1 presiding officer will now proceed with the Certified
2 Amending Motions.

3 MR. CLARY: Thank you. Microphone number
4 four.

5 MARCELO HIRSCHLER: Marcelo Hirschler, GBH
6 International speaking for myself and I'm the maker
7 of Certified Amending Motion 275-1. I would wish to
8 move to accept comment 275-1.

9 MR. CLARY: Do we have a second?

10 UNIDENTIFIED MAN: Second.

11 MR. CLARY: I hear a second and the motion
12 is to accept comment 275-1. Dr. Hirschler, please
13 proceed.

14 MARCELO HIRSCHLER: Thank you, Mr. Chairman.
15 From the outset I would like to state something for
16 the meeting. I hope the assembly will concur with me
17 on this motion. However, even if the assembly does
18 not concur with me, I think this is a very important
19 document and I'm very fully in support of this
20 document moving forward and I will be opposing if any
21 motion were to come up to return this document to
22 committee irrespective of whether the assembly or
23 agrees or disagrees with me on this particular issue.

24 So on to this issue. What I'm talking about
25 here is that this is a test method that includes in

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1 it that the thermal barrier shall be tested in
2 accordance with one of four test methods, NFPA 286
3 and three other test methods are included in the
4 codes, both in the IBC and NFPA 5000, UL 1040, UL1715
5 and FM 4880.

6 We have, as NFPA we have control over NFPA
7 286. We write the criteria. We write the way the
8 test is done, all of that perfect; however, we do not
9 have any control over what criteria, what type of
10 test, how FM 4880, UL 1040 and UL 1715 and run. And
11 if FM and UL, which are very good organizations and I
12 have no problem with them, but if they choose to
13 change FM 4880 suddenly becomes, for the sake of
14 argument, little bunson burner tests, we will still
15 accept it just because we said we'll accept it.

16 We didn't say we accept it if they remain
17 exactly as it is today. We say we'll accept it with
18 whatever their possible criteria is. In the case of
19 FM 4880, the test is at least as severe as NFPA 286.
20 I don't see any problem with regard to UL 1040 and UL
21 1715, they're not, they're much less clear. There is
22 no clear criteria for smoke in either of them.

23 One further thing, if the assembly agrees
24 with me and this motion is successful, that will not
25 eliminate FM 4880 or UL 1040 or UL 1715 from the

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1 codes. Today the code, and it has been for
2 generations, the code says that you can approve
3 thermal barriers based on FM 4880, UL 1040 and UL
4 1715 and that will never change, I'm not sure of
5 never, but that will not change as a result of this
6 action here.

7 So again in summary what I'm asking for is
8 that this standard not refer to FM 4880, UL 1040, UL
9 1715 and their possible criteria. Number two, if
10 that gets done, it will not have any effect at the
11 code level on the acceptance of those three test
12 methods for approval of materials. Thank you.

13 MR. CLARY: Thank you. Microphone number
14 three.

15 BOB VILL: My name is Bob Vill. I'm with FM
16 Global and also a member of the fire test committee,
17 and I wish to speak in opposition to the motion.

18 FM 4880 has been used for approving wall and
19 ceiling materials for decades. It is based upon
20 large scale fire testing. FM Global has outstanding
21 experience with the approval of these materials in
22 this way, and we feel that it is quite appropriate
23 for it to be included in the proposed standard, we
24 therefore speak in opposition to the motion.

25 MR. CLARY: Thank you. I apologize to the

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1 Chair. Mr. Chair, do you have any comments?

2 MR. BEITEL: Thank you. Yes, a couple of
3 comments. Basically this test standard is being
4 promulgated because both in the ICC and NFPA 5000
5 codes, 101 also, there is a requirement for foam
6 plastic to be covered by a, quote/unquote, a 15
7 minute thermal barrier.

8 There is no definition for that test. It's
9 been there for a long time and so the thrust of this
10 test standard is to clean up that and provide a
11 standard test against which products that have been
12 used and will be used as a thermal barrier can be
13 evaluated.

14 Now, many of the products that are out there
15 in the world already being used as a thermal barrier
16 have passed these tests. They have not all
17 necessarily done NFPA 286. This standard will
18 require that a material be evaluated under two tests,
19 a fire resistance test to show heat transfer through
20 the thermal barrier for a 15-minute period of time,
21 meets a certain limit, and then there's these room
22 corner type tests or large corner type tests to show
23 that the thermal barrier will remain in place over
24 the foam plastic that it is supposed to protect. And
25 the definition of remain in place we'll discuss a

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1 little bit later.

2 But the issue is that in the past this
3 requirement has been around for the last 30-some-odd
4 years. Many manufacturers who make products as
5 thermal barriers have used the various four tests,
6 versions of FM 4880, UL 1715 and NFPA 286 even have
7 all been used. And rather than eliminate all those
8 products with this standard at this point in time,
9 we'd like to encompass those products, make sure that
10 they are also included in this and not just
11 immediately throw them out because they have had good
12 history and use over time.

13 So I speak -- the committee debated this
14 topic, felt that it was appropriate to continue at
15 this point in time those four standards for that
16 section of test procedure. Thank you.

17 MR. CLARY: Thank you. Microphone number
18 three.

19 RICK THORNBERRY: Thank you, Mr. Moderator.
20 I'm Rick Thornberry with The code Consortium and on
21 this issue I'm representing Composites USA, Inc. My
22 client does not make a thermal barrier; however,
23 thermal barriers are often applied over their
24 products so we have an interest in making sure that
25 we can continue to be used with this thermal

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1 barrier --

2 MR. CLARY: Excuse me, are you speaking in
3 favor or against the motion?

4 RICK THORNBERRY: I'm speaking in favor of
5 the motion. I just want to let you know where I was
6 coming from. That's the other part of where I'm
7 coming from. And certainly I support what Mr. Beitel
8 has said. I think he covered it very well. The only
9 other point I would address and Mr. Hirschler --

10 MARCELO HIRSCHLER: Excuse me, point of
11 order. Did Rick say he's speaking in favor of the
12 motion?

13 RICK THORNBERRY: I'm sorry, I'm in
14 opposition to the motion.

15 MARCELO HIRSCHLER: I thought so.

16 RICK THORNBERRY: Thank you, Marcelo.

17 MR. CLARY: We thank you both.

18 RICK THORNBERRY: That would be a shock.
19 I'm at the red mike. Where was I? Mr. Hirschler in
20 his comments in support of the motion that he's made
21 indicates that one of his concerns is that we're
22 referencing other standards that aren't under the
23 control, direct control of the NFPA process and then
24 if they're changed we're stuck with them.

25 Well, chapter two in our proposed standard

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1 references very specific dates in additions of those
2 standards that are proposed in addition to NFPA 286
3 as a part of this test method. So we certainly
4 maintain control over that in our committee because
5 when we go to update the standard, if we decide we
6 don't want to continue to adopt one of those
7 standards and other test methods as a part of this,
8 then we certainly don't have to.

9 So I don't think that's a very valid reason
10 that we should pass the motion that's being proposed
11 before us. I would also point out for everyone's
12 information that Mr. Hirschler did an excellent job
13 of summarizing the applications and requirements for
14 thermal barriers in his negative comment in the
15 proposal phase of the document on committee proposal
16 275-1. And indeed it does summarize exactly what has
17 been said by Mr. Beitel and Mr. Hirschler himself.
18 So that there are multiple standards that are
19 referenced in determining what is a thermal barrier
20 and the option is up to the user or the person that's
21 going to provide that thermal barrier as to which of
22 those test methods they want to use. If we're only
23 going to allow NFPA 286, we're automatically in
24 conflict with these standards, these other codes.
25 Thank you.

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1 MR. CLARY: Thank you. Microphone number
2 four.

3 MARCELO HIRSCHLER: Marcelo Hirschler, GBH
4 International. I just want to point out a couple of
5 things. I don't want to get this debate too long.

6 Number one, the fact that we are producing a
7 test method which, if this motion will successful,
8 would refer only to 286, would not take out the FM
9 and UL test from the codes. So those would still be
10 in the codes.

11 Number two, all old, all materials that have
12 been tested would have been tested to the appropriate
13 code and would be still valid in any future code
14 because they would only cease to be valid if FM 4880,
15 UL 1040 and UL 1715 were to be taken out of the
16 codes. This proposal has nothing to do with taking
17 them out of the codes. They would stay in the codes.
18 There will be no effect on existing materials.

19 So the effect is simply on whether NFPA
20 wishes to have its responsibility over whatever the
21 criteria are issued by other organizations. Thank
22 you.

23 MR. CLARY: For the record you're speaking
24 in favor of the motion?

25 Marcelo HIRSCHLER: Excuse me, I'm speaking

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1 in favorite of the motion.

2 MR. CLARY: Thank you.

3 Mr. Beitel, do you have any further
4 comments?

5 MR. BEITEL: The final comment I'd just like
6 to make is the purpose of us, of the fire test
7 committee promulgating this document is such that it
8 can be referenced in the codes, both NFPA 5000, 101
9 and ICC.

10 When we put this into the code, you will and
11 essence if you eliminate these other tests, you will
12 eliminate them because then the code will only
13 reference the qualified product as a thermal barrier.
14 You use this standard and then this standard will not
15 have the other test there, so some products would be
16 eliminated. Thank you.

17 MR. CLARY: Okay. Thank you. At this time
18 I'll move to the vote. All in favor of the motion to
19 accept comment 275-1 please signify by raising your
20 hands.

21 Thank you.

22 All opposed.

23 The motion fails.

24 Next is motion 275-2. And microphone number
25 four.

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1 RICK THORNBERRY: Rick Thornberry with The
2 Code Consortium, again representing Composites and
3 USA, Inc., and now I'm at the green mike so that
4 means I'm in support of the motion about to be made.
5 Are you going to verify that I'm the certified --

6 MR. CLARY: Yes, you are, indeed,
7 Mr. Thornberry.

8 RICK THORNBERRY: Thank you. I would like
9 to move to reject an identifiable part of comment
10 275-7. The identifiable part is section 5.1.4 as
11 indicated in the comment recommendation.

12 MR. CLARY: Thank you. Do we have a second?

13 UNIDENTIFIED MAN: Second.

14 MR. CLARY: We have a second. Again the
15 motion is to reject an identifiable part of comment
16 275-7. The identifiable part is in section 5.1.4 as
17 indicated in the comment recommendation.

18 Mr. Thornberry, please proceed.

19 RICK THORNBERRY: Thank you. This is pretty
20 simple and straightforward. It's basically an
21 editorial clarification. The concern I have is
22 changing the word assemblage to composite when we've
23 introduced the new definition for metal composite
24 material and we refer to that in the previous section
25 in 5.1.3.

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1 I want to avoid the issue of confusing the
2 different types of composites, if you will. The
3 metal composite materials are definitely a composite,
4 the composite or assemblage referred to in 5.1.4 is
5 actually the grouping of materials into an assembly,
6 if you will, that becomes the test assembly. So I
7 think the more appropriate word would be assemblage
8 to avoid that confusion. Thank you.

9 MR. CLARY: Thank you. Mr. Beitel.

10 MR. BEITEL: Two things I suppose. The
11 committee did take a look at this and decided to
12 change that word to composite at the last meeting
13 that addressed this.

14 I suppose personally from my standpoint of
15 view I'll make comment is I don't think that there's
16 a problem with risk motion. But I do know there are
17 several other committee members out in the audience
18 and I would ask their input if they have concerns
19 over this. Thank you.

20 MR. CLARY: Thank you.

21 Seeing no one at the mikes, we'll move to
22 the vote, and the vote is again to reject an
23 identifiable part -- I'm sorry, microphone number
24 three.

25 Marcelo HIRSCHLER: Marcelo Hirschler, GBH

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1 International. The problem is -- I'm speaking in
2 mild opposition. The problem is if the section is
3 cut out instead of just making a change to the word,
4 the effect of the motion would be to cut out 5.1.4
5 completely, not to change back the original language,
6 if the effect of the motion was to just go back to
7 the original language, I wouldn't have a problem.

8 But I think it's important to describe what
9 is the test assembly. And if this motion were
10 successful, what it would do is cut out the entire
11 section 5.1.4 and there would be no -- it wouldn't
12 be -- it wouldn't be clear what the test assembly is
13 because that's the only place where it is discussed
14 what is the test assembly.

15 So in summary the reason for my opposition
16 to this is not the change from assemblage to
17 composite, I don't care, that's not that critical,
18 but if we delete this entire section then we don't
19 describe what is the test assembly. Thank you.

20 MR. CLARY: Thank you.

21 Mr. Thornberry.

22 RICK THORNBERRY: Rick Thornberry again
23 representing Composites USA, Inc. in favor of the
24 motion.

25 That's not my understanding of the way this

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1 would turn out, because we're not -- it would simply
2 revert back to the text that's already there in what
3 was 5.1.3 that got renumbered as 5.1.4. And
4 editorially all you've got to do is fix the numbering
5 system, it retains the text so it would say the
6 assemblage of foam plastic, etc., etc. So it's not
7 deleting the section.

8 Marcelo HIRSCHLER: Point of order. Can we
9 get a ruling on what this motion would mean at least,
10 because what it says is reject 5.1.4. Is that -- or
11 just reject the change in 5.1.4.

12 MR. CLARY: The motion again is to reject an
13 identifiable part in comment 275-7. The identifiable
14 part is section 5.1.4 as indicated in the comment
15 recommendations.

16 Marcelo HIRSCHLER: Correct. So again my
17 question is does that mean we delete 5.1.4 or does
18 that mean we change in language in 5.1.4? It's a big
19 significant difference.

20 MR. CLARY: Please stand by.

21 Okay. Thank you. A successful vote on this
22 motion will return the verbiage to the ROP text which
23 will then remove the word composite and instead the
24 word assembly would be added.

25

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1 Marcelo HIRSCHLER: Okay. Excuse me, that's
2 the only change that would happen with a successful
3 motion?

4 MR. CLARY: That is correct, sir.

5 Marcelo HIRSCHLER: Thank you. I support
6 the motion.

7 MR. CLARY: We thank you for that.

8 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
9 International. I support the motion.

10 MR. CLARY: Mr. Beitel?

11 MR. BEITEL: No comment.

12 MR. CLARY: Okay. At this time we'll move
13 to the vote. Again the vote is to reject
14 identifiable part of the comment 275-7. The
15 identifiable part is a section of 5.1.4 as indicated
16 in the comment recommendation and has just been
17 discussed. All in favor of that motion signify by
18 raising your hands.

19 Thank you.

20 All opposed.

21 The motion passes.

22 Next is motion 275-3. Microphone number
23 four.

24 RICK THORNBERRY: Thank you, Mr. Moderator.
25 Rick Thornberry with The Code Consortium representing

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1 Composites USA, Inc. At this time I do not intent to
2 move this motion.

3 MR. CLARY: Thank you. So the motion has
4 been withdrawn by the maker of the motion,
5 Mr. Thornberry.

6 Next up is motion 275-4. Mr. Thornberry.

7 RICK THORNBERRY: Thank you. Rick
8 Thornberry with The Code Consortium representing
9 Composites USA, Inc.

10 MR. CLARY: And you are the authorized maker
11 of this motion.

12 RICK THORNBERRY: Thank you, Mr. Moderator.
13 My motion would be to accept comment 275-11.

14 MR. CLARY: Thank you. Do we have a second?

15 UNIDENTIFIED MAN: Second.

16 MR. CLARY: We have a second. And the
17 motion is again to accept comment 275-11.
18 Mr. Thornberry, please proceed.

19 RICK THORNBERRY: Thank you, Mr. Moderator.
20 This again is addressing the issue of the acceptance
21 criteria for this proposed test method in regards to
22 part two, evaluating the thermal barrier for its
23 ability to remain in place for a minimum 15 minute
24 duration under a given fire exposure.

25 You heard some discussions about this in the

1 very first motion that we discussed and dispensed
2 with. This is a little bit different approach in
3 that what we're really after is to simplify the
4 application of the proposed acceptance criteria to
5 specifically address the needs expressed in the code
6 that the thermal barrier remain in place.

7 Part one of this test method already covers
8 the aspect of the thermal transmission criteria to
9 limit the temperature rise on the unexposed face of
10 the thermal barrier that's protecting the foam
11 plastic.

12 We're now dealing with part two which
13 specifically addresses the ability of the thermal
14 barrier to remain in place for a fire exposure for a
15 minimum 15 minute duration. In other words, it's
16 going to be there to protect the foam for a
17 reasonable period of time, prevent the temperature
18 transmission to that foam so it doesn't become
19 involved certainly in the early stages of the fire
20 and maybe even early pose flash-over conditions.

21 What we've done with this then is to
22 eliminate all of the criteria that are currently in
23 the conditions of acceptance for NFPA 286 which come
24 over from NFPA 5000 and NFPA 101 where NFPA 286 is
25 used to evaluate interior finish materials and their

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1 application. And 286 is allowed to be used in lieu
2 of applying the tunnel test to determine a flame
3 spread index of 25 or less.

4 In my opinion we're adding additional
5 criteria that aren't necessary to evaluate the
6 ability of the product to remain in place as
7 prescribed by the codes. Specifically in the
8 international codes there is no necessity to test for
9 smoke, for example, for some of the flame spread
10 criteria in assessing the performance under 286 that
11 are currently in there if it's an interior finish
12 material since we're only interested in it as a
13 thermal barriers.

14 We believe that this will allow those
15 materials that haven't been tested in the past to
16 still be continued to be used, and I think that's
17 important, without compromising safety in any manner.

18 So we would hope that the group, the
19 membership here would agree with that and approve
20 this particular amendment to simplify the application
21 of the acceptance criteria in regards to NFPA 286.

22 Thank you.

23 MR. CLARY: Thank you.

24 Mr. Beitel.

25 MR. BEITEL: Thank you, Mr. Chair. Response

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1 be basically we are still allowing, as we've
2 discussed before, based on the last vote or our
3 previous vote, allowing four different tests to be
4 used to evaluate the quote/unquote remain in place
5 capability of this thermal barrier.

6 Mr. Thornberry only addressed issues with
7 respect to one of those. And the type of -- in his
8 comment, which was rejected by the committee, that
9 type of pass/fail criteria has never been used to
10 evaluate these type of products. And so potentially
11 it is a more severe criteria. We don't know that for
12 sure because this criteria has never been applied to
13 any of the current products.

14 And at the same time even if you apply this
15 criteria to this test, you're not applying that same
16 criteria to the other tests that are being used. So
17 again you have a significant mismatch between what
18 you are expecting a thermal barrier to do depending
19 upon the test you're using.

20 In the past we've all used the pass/fail
21 criteria provided for the test method being used to
22 evaluate remain in place and that's what the
23 committee would feel that you should continue to do.
24 Thank you.

25 MR. CLARY: Thank you.

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1 Microphone number three.

2 BOB VILL: Bob Vill with FM Global, also a
3 member of the fire test committee and I wish to speak
4 in opposition to the motion.

5 I agree with comments that Jessie Beital
6 just made. And, for example, in the case of FM 4880,
7 we are aware that a criteria that would be used of
8 simply having the facing stay in place would not be
9 adequate for judging the performance.

10 We have seen tests where the failure
11 occurred due to the extent of fire propagation, which
12 is the major criteria in FM 4880; however, the
13 phasers were able to stay in place so we feel that
14 this would be inadequate. As a general comment we
15 believe that the test criteria that are used in the
16 four methods should be used in this standard.

17 MR. CLARY: Thank you. Seeing no one at the
18 mike, we'll move to the vote. And again the motion
19 is to accept comment 275-11. All in favor of the
20 motion please signify by raising your hands.

21 And all opposed, same sign.

22 The motion fails.

23 We will now move to motion 275-5.

24 Microphone number four.

25 RICK THORBERRY: Thank you, Mr. Moderator.

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1 Rick Thornberry with The Code Consortium representing
2 Composites USA, Inc.

3 MR. CLARY: And you are the authorized maker
4 of the motion.

5 RICK THORNBERRY: Thank you, Mr. Moderator.
6 In that case I'll move to accept comment 275-10.

7 MR. CLARY: Do we have a second?

8 UNIDENTIFIED MAN: Second.

9 MR. CLARY: We have a second. And again the
10 motion is to accept comment 275-10. Mr. Thornberry,
11 please proceed.

12 RICK THORNBERRY: This is the next step in
13 the phase of trying to address the acceptance
14 criteria that we previously discussed, and rightfully
15 so there were some problems with the previous one,
16 that's why I didn't rebut.

17 275-10 is the committee proposal that was
18 voted on and subsequently did not achieve the
19 two-thirds majority vote necessary to move it forward
20 as an approval so it got a rejection.

21 This particular change to the standard that
22 was proposed originally by the committee in the ROC
23 phase attempted to simplify the application of the
24 thermal barrier requirement that it remain in place
25 and eliminate the rest of the acceptance criteria of

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1 any of the test methods. And then there's an annex
2 note that does provide some guidance as to what that
3 means.

4 So we urge the group to consider this and
5 see if this would be an appropriate fix to addressing
6 the needs for the acceptance criteria performance
7 based on the thermal barrier remaining in place.

8 Thank you.

9 MR. CLARY: Thank you.

10 Mr. Beitel?

11 MR. BEITEL: Thank you, Mr. Chair. While
12 the committee did initially put together a committee
13 comment to look to address this, as you will notice
14 in the published Report on Comments you will see that
15 the committee, many members of the committee
16 rethought this action during the ballot process.

17 Again this goes back to the issue of using
18 the pass/fail criteria of the test methods that
19 you're using versus the new just that it remains in
20 place criteria, which is very difficult to judge and
21 try to determine how that's going to be.

22 So I think the committee during the
23 balloting did realize that this is not appropriate
24 and therefore that's why this particular committee
25 comment did not move beyond. Thank you.

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1 MR. CLARY: Thank you.

2 Microphone number three.

3 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
4 International speaking in opposition to the motion.

5 If you have the ROC handy I would like to
6 point out to you the comment on affirmative from Tom
7 Fritz, which is the key issue here. The committee is
8 looking at, has looked at three different proposals,
9 comments, I'm sorry, three different comments that
10 proposed strong significant revisions to the criteria
11 for NFPA 286.

12 It rejected 275-9 and 275-11, came to the
13 conclusion that the criteria needed to remain are the
14 criteria from 286, that these are the ones that
15 should remain.

16 And if this motion were to pass, basically
17 all of those criteria would go away. And this action
18 would be inconsistent in a way with the action that
19 you just took on 275-11, which, in fact, left a
20 little bit more further criteria here than what this
21 would leave. So I urge you to disapprove this
22 motion. Thank you.

23 MR. CLARY: Thank you. Microphone number
24 three.

25 BOB VILL: Bob Vill, FM Global, speaking in

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1 opposition to the motion. My previous comments
2 apply.

3 MR. CLARY: Thank you. And microphone
4 number four.

5 RICK THORNBERRY: Thank you again. Rick
6 Thornberry with The Code Consortium representing
7 Composites USA, Inc.

8 The only thing I would like to point out to
9 the membership is that when you look at the ballot
10 results, it was 15 affirmative and nine negative.
11 One swing vote would have made it acceptable as a
12 two-thirds majority and would have gone through and
13 somebody else would have filed this public comment,
14 this NITMAM instead of me.

15 MR. CLARY: Thank you.

16 Mr. Beitel?

17 MR. BEITEL: No comment.

18 MR. CLARY: Thank you. Seeing no one else
19 at the microphones we'll move to the vote, and the
20 vote is to accept comment 275-10. All in favor of
21 the motion please signify my raising your hand.

22 Thank you.

23 All opposed, same sign.

24 I'm going to try this one more time before
25 we do a standing. All in favor of the motion please

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1 signify by raising your hands.

2 Thank you.

3 And all opposed.

4 The motion fails.

5 Next is motion 275-6. Microphone number
6 four.

7 RICK THORNBERRY: Rick Thornberry with the
8 The Code Consortium representing Composites USA, Inc.

9 MR. CLARY: Than you. And you are the
10 authorized maker of this motion.

11 RICK THORNBERRY: Yes, Mr. Chair, but I'd
12 like to withdraw that one based on the previous
13 actions.

14 MR. CLARY: Okay. Motion 275-6 has been
15 withdrawn.

16 Next is motion 275-7. Microphone number
17 four.

18 RICK THORNBERRY: This is a recording. My
19 name is Rick Thornberry with The Code Consortium
20 representing Composites USA, Inc.

21 MR. CLARY: You are, indeed, the authorized
22 maker of this motion.

23 RICK THORNBERRY: Thank you. And for the
24 record I'm speaking in favor of the motion, as I'm at
25 the green mike.

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1 MR. CLARY: Do we have a second? First of
2 all, state your motion first please.

3 RICK THORNBERRY: Let me get where I am
4 here. The motion would be to accept comment number
5 275-14.

6 MR. CLARY: Thank you. Do we have a second?

7 UNIDENTIFIED MAN: Second.

8 MR. CLARY: We have a second. The motion is
9 to accept 275-14. Mr. Thornberry, please proceed.

10 RICK THORNBERRY: Thank you. The point of
11 this is to provide some guidance to the users of this
12 standard and the scoping of standard in that in other
13 modifications made during the ROC phase we did
14 incorporate the allowable testing of MCM, thermal
15 barriers for MCM materials that we discussed earlier.

16 And since there's no scoping, specific
17 scoping change made, I think it would be appropriate
18 that we at least provide this guidance to those that
19 may be using this test method.

20 If you look at what happened, the committee
21 did accept this in principle on the basis that they
22 did make the change to the body of the text to
23 incorporate MCM thermal barriers, and everybody
24 thought that was fine. But I think on reflection in
25 that we did not change the scope, I think it would be

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1 very helpful if we did at least include this annex
2 note. Thank you.

3 MR. CLARY: Thank you.

4 Mr. Beitel?

5 MR. BEITEL: Thank you. The committee did
6 address this. It is, and rather than being in the
7 appendix we add it out of the previous action where
8 MCM is placed into the actual body of the standard,
9 we felt that that was adequately covered. Thank you.

10 MR. CLARY: Thank you.

11 And microphone number three.

12 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
13 International. In just mild opposition, my only
14 concern is that we have a section of the code of this
15 test method that says that MCMs are covered and are
16 tested. And then this says the test method should be
17 suitable for evaluation of such materials. Well, it
18 is suitable because it's required. We're requiring
19 them to be tested.

20 So this would cause a little bit of an
21 inconsistency. That's my -- if this motion has been
22 to eliminate the, to just add the first sentence,
23 that's perfectly fine. Second sentence has a
24 potential for inconsistency. Thank you.

25 MR. CLARY: Thank you. Microphone number

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1 four.

2 RICK THORNBERRY: Thank you. Rick
3 Thornberry again with The Code Consortium
4 representing Composites USA, Inc.

5 It's an annex note. Annex notes are
6 non-mandatory so I don't really see that as a
7 problem. It does provide guidance. If you look at
8 the scoping provisions we now have in 275, there's no
9 mention, it only addresses thermal barriers over foam
10 plastic insulation.

11 MR. CLARY: And for the record you're
12 speaking in favor of the motion?

13 RICK THORNBERRY: For the record, yes.

14 MR. CLARY: Mr. Beitel?

15 MR. BEITEL: No further comment.

16 MR. CLARY: Okay. At this time we'll
17 proceed to vote, and again the motion is to accept
18 comment 275-14. All in favor please signify by
19 raising your hands.

20 Thank you.

21 Those opposed.

22 The motion fails.

23 Next up is motion 275-8. Microphone number
24 four.

25 RICK THORNBERRY: Rick Thornberry with The

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1 Code Consortium representing Composites USA, Inc.

2 MR. CLARY: And you are the authorized maker
3 of this motion.

4 RICK THORNBERRY: Thank you. And I make the
5 motion to return the entire report to committee.

6 MR. CLARY: Thank you. Do we have a second?

7 UNIDENTIFIED MAN: Second.

8 MR. CLARY: We have a second. And the
9 motion is again to return the entire report.

10 Mr. Thornberry, please proceed.

11 RICK THORNBERRY: Yes, I'm in support of
12 that motion obviously. I think based on some of the
13 discussions we've had and the way that some of the
14 motions went we've got some confusion regarding the
15 acceptance criteria being proposed in part two of
16 this test method for the application of the remain in
17 place concept of the thermal barrier.

18 And with a little glitch I think we have in
19 the scoping provisions that the title and the scope
20 of the standard only address thermal barriers over
21 foam plastic insulation yet we've incorporated the
22 application to thermal barriers for MCMs for metal
23 composite materials.

24 I think with those kinds of flaws in this
25 test method it really should go back to committee,

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1 have those cleaned up, worked out, and then we can
2 come back, possibly by the fall meeting or for the
3 fall deadline, if not at least for the next annual
4 and put it on the books then. Thank you.

5 MR. CLARY: Thank you.

6 Mr. Beitel.

7 MR. BEITEL: Thank you. Yes, speaking for
8 the committee we're opposed to the motion on the
9 floor. I think that the committee has done an
10 excellent work in putting this standard together. It
11 reflects what we have already been doing for many
12 years.

13 I think that while there's still some
14 discussion that says as with any test standard in the
15 future is going to change, that's fine, but for where
16 we are right now, which is the first edition of the
17 standard, to address the concept of thermal barriers,
18 provide manufacturers of products against which to
19 evaluate their product so that it can be considered
20 to be a thermal barrier per the various codes, this
21 standards does that very well.

22 And I think it would do a disservice to the
23 committee action at this point, or the committee's
24 work at this point to return it to the committee.

25 Thank you.

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1 MR. CLARY: Thank you.

2 Microphone number three.

3 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
4 International and I'm speaking in opposition to the
5 motion.

6 As I said when I prefaced my remarks on the
7 very first motion that I made, irrespective of my
8 differences with some of the minor issues in this
9 test method, and Mr. Thornberry's differences with
10 some minor issues in the test method, this test
11 method is very useful, very important for use in the
12 codes.

13 Nothing ever, no document ever is cast in
14 concrete which will never change. It will change.
15 And if there's some things that we need to do via
16 TIAs, we'll do them via TIAs of some things that
17 needs to be done in other ways. We will do them
18 however as they become necessary.

19 But we need this test method. This test
20 method will provide a very, very important function
21 in the codes, the life safety and the building codes.
22 So please don't throw the baby out with the bath
23 water. We have potential. I don't see the problem
24 but there are a couple of minor things that people
25 have disagreements with. So that's what happened

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1 when you have a consensus versus.

2 Overall the committee did the job. Jesse
3 Beitel, the person who wrote the test to us in the
4 first place, we have a good document which is useful.
5 Don't return it please.

6 MR. CLARY: Thank you.

7 Microphone number four.

8 RICK THORNBERRY: Yes, Rick Thornberry
9 again, representing Composites USA, Inc. speaking in
10 favor of the motion.

11 There's really no urgency to have this test
12 method go forward. We've been dealing with thermal
13 barriers since foam plastics came into the codes and
14 we started regulating them. It's just a nice thing
15 to have so that when evaluation services are looking
16 at these products, they can have a standardized way
17 to do it.

18 But we've been getting along quite well to
19 this point. My concern is that by introducing some
20 of this acceptance criteria, you're changing the goal
21 line. And maybe we shouldn't be doing that unless we
22 really understand the impact of changing that goal
23 line from some of the ways that these thermal
24 barriers have been evaluated in the past.

25 In fact, if you look at the annex notes in

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1 NFPA 5000 and NFPA 101 to the criteria on thermal
2 barriers it says, gee, all you got to do is looking
3 at the UL fire resistance directory and find a finish
4 rating of 15 minutes and you've got a thermal
5 barrier.

6 Well, that's a far stretch from what we're
7 doing with this test method, albeit I agree that we
8 need to have a test method at some point. I don't
9 think putting it off until we can perfect the
10 acceptance criteria is going to do a disservice to
11 anybody or cause any harm.

12 And by the committee vote that we discussed
13 earlier in trying to change the thermal barrier, it
14 was 15 to 9, so it was a close vote on meeting the
15 two-thirds. So I think even the committee still
16 needs to further consider it as evidence by that.
17 Thank you.

18 MR. CLARY: Thank you.

19 Mr. Beitel?

20 MR. BEITEL: Thank you, Mr. Chair.

21 Basically this test standard is codifying what we've
22 been done today to evaluate these types of products.
23 And the problem we have is that without this test
24 method, just as Mr. Thornberry mentioned, other ways
25 of trying to declare something to be a thermal

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1 barrier has been used, and that's been the problem.
2 And that's why it does have a sense of urgency is
3 such that we can clarify what this product is and how
4 it's to be tested and evaluated.

5 This meets the criteria that are being used
6 today. What Mr. Thornberry wishes to do is change
7 that whole criteria system, which is fine. We're
8 happy to discuss that, but I don't think that needs
9 to be there today. We would in essence then have no
10 thermal barriers potentially at that point in time.
11 I don't think that's where we need to be. We're not
12 in the business of writing a test standard which
13 nobody can pass.

14 I think this is a test standard which is
15 well served both to the industry, to the code bodies,
16 helps clarify what a thermal barrier is and how it
17 should be evaluated so we can make that clarification
18 perfectly clear starting as soon as we can. Thank
19 you.

20 MR. CLARY: Thank you. Seeing no one else
21 at the mikes we'll move to the vote. The vote is to
22 return the entire report to the committee. All in
23 favor of the motion please signify by raising your
24 hands.

25 And those opposed.

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1 The motion fails.

2 Thank you, Mr. Beitel.

3 MR. BEITEL: Thank you.

4 MR. CLARY: The next report this morning
5 under consideration is that of the Technical
6 Committee on the Uniform Fire Code. Here to
7 represent the committee is Committee Chair Ronald
8 Farr of the Kalamazoo Township Fire Department,
9 Kalamazoo, Michigan.

10 The report can be found in the blue 2008
11 Annual Revision Cycle ROP and ROC. The Certified
12 Amending Motions are contained in the Motions
13 committee report and behind me on the screen. We
14 will proceed in the order of the motion sequence
15 number presented.

16 Chief Farr.

17 RONALD FARR: Mr. Chair, thank you.
18 Mr. Chair, ladies and gentlemen, the report of the
19 Technical Committee on Uniform Fire Code, NFPA 1, can
20 be found in the Report on Proposals, volume two, and
21 the Report on Comments for the 2008 Annual Meeting
22 Revision Cycle.

23 Technical Committee's report proposes a
24 partial revision of NFPA 1, the Uniform Fire Code.
25 NFPA 1 will be retitled Fire Code. Presiding officer

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1 will now proceed with the Certified Amending Motion.

2 MR. CLARY: Thank you, Chief Farr.

3 Microphone number four.

4 ED ALTISE: Mr. Chairman, Ed Altise,
5 Virginia State Fire Marshal speaking on behalf of the
6 proponent, John Nisja.

7 MR. CLARY: Yes, thank you. And we did
8 receive a letter authorizing you to speak on behalf
9 of Mr. Nisja. Please proceed.

10 ED ALTISE: Thank you. Speaking in favor.
11 The committee during the revision did a great job I
12 think --

13 MR. CLARY: We need your motion first
14 please.

15 ED ALTISE: I'm sorry. I'm sorry. I would
16 like to move to accept an identifiable part of
17 comment 1-8. The identifiable part is to include
18 annex text A.10.5.3 as indicated in the comment
19 recommendation.

20 MR. CLARY: Thank you. Do we have a second?

21 UNIDENTIFIED MAN: Second.

22 MR. CLARY: We have a second. Again the
23 motion is to accept the identifiable part of comment
24 1-8, move the identifiable part to include the annex
25 text A.10.5.3 as indicated in the recommendation.

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1 Please proceed.

2 ED ALTISE: Thank you. The committee
3 revision to the main text certainly gives the
4 authority having jurisdiction the authority to accept
5 an alternate evacuation plan; however, the inclusion
6 of the annex would make it clear that the intent for
7 facilities designed to protect in place should be
8 given a modification to the requirement for
9 evacuation with an approved evacuation plan. Thank
10 you.

11 MR. CLARY: Thank you.

12 Chief Farr?

13 RONALD FARR: I believe that there is a
14 benefit to have this particular information in the
15 document. It was originally prepared by the
16 submitter and apparently had been left out in the
17 final action.

18 MR. CLARY: Thank you.

19 Microphone number four.

20 KEN BUSH: My name is Ken Bush with the
21 Maryland State Fire Marshals office, also a member of
22 the NFPA 1 Technical Committee. I speak in favor of
23 the motion.

24 I think this annex note has valuable
25 information that's useful to those person responsible

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1 for the enforcement as well as those persons which
2 are using the code. The note further clarifies and
3 defines conditions for which these requirements of
4 the paragraph apply and should be included as part of
5 the document.

6 MR. CLARY: Thank you. Seeing no one else
7 at the mikes -- oh, I'm sorry, there you are.
8 Microphone number two.

9 SUSAN MACLACHLAN: Yes, Susan MacLachlan,
10 immediate past chair of the health care section and
11 speaking on behalf of the health care section.

12 At our executive board and business meeting
13 on Tuesday we voted to support this motion on the
14 floor. This motion particularly affects health care
15 organizations with the defend in place occupancies
16 that we have. This is due to the fact that most of
17 our patients and residents are not able to be easily
18 evacuated and we do have the facilities built as
19 defend in place occupancies.

20 We understand that the language chosen by
21 the Technical Committee was intended to provide
22 alternatives to evacuation, but the edition of this
23 language in the annex would certainly clarify that
24 position. We certainly encourage everyone here to
25 vote in support of this motion. Thank you.

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1 MR. CLARY: Thank you.

2 Now seeing no one else at the mikes we'll
3 proceed with the vote, and the vote is to again
4 accept identifiable part comment 1-8 to move the
5 identifiable part to include the annex text A.10.5.3
6 as indicated in the recommendation. All in favor of
7 the motion please signify by raising your hands.

8 Thank you.

9 All opposed, same sign.

10 The motion passes.

11 Thank you, Chief Farr.

12 RONALD FARR: Mr. Chair, thank you.

13 MR. CLARY: The next report this morning
14 under consideration is that of the Technical
15 Correlating Committee on building code. Here to
16 represent the Correlating Committee is Correlating
17 Chair Jerry Wooldridge of Reedy Creek Improvement
18 District, Lake Buena Vista, Florida.

19 The report can be found in the green 2008
20 Annual Revision Cycle ROP and the blue 2008 Annual
21 Revision Cycle ROC. The Certified Amending Motions
22 are contained in the Motions Committee report and
23 behind me on the screen.

24 We have several building code and life
25 safety code chairs that will be stepping down due to

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1 the tenure policy. They are Jerry Wooldridge,
2 Building Code Technical Correlating Committee; Jim
3 Quiter, Life Safety Technical Correlating Committee;
4 Bill Fitch, Furnishings and Contents; Ralph Gerdes,
5 Assembly Occupancies and Membrane Structures; Wayne
6 Holmes, Industrial, Storage and Miscellaneous
7 Occupancies; Morgan Hurley, Fundamentals; Philip
8 Jose, Board and Care Facilities; Richard Klinker,
9 Building Service and Fire Protection Equipment; and
10 Daniel O'Connor, Health Care Occupancies. I would
11 like to express our thanks to these gentlemen for
12 their leadership of these committees.

13 Before we begin I would also ask that if you
14 are making a motion on 5000 that you also intend to
15 make on NFPA 101 when it comes up later, would you
16 please inform the body of that intent as that will
17 facilitate discussion on NFPA 1 later on.

18 We will now proceed in the order of the
19 motions sequence number presented. Mr. Wooldridge.

20 JERRY WOOLDRIDGE: Mr. Chair, ladies and
21 gentlemen, the report of the Technical Committee on
22 building code on NFPA 5000 can be found in the Report
23 on Proposals, volume two, and the Report on Comments
24 for the 2008 Annual Meeting Revision Cycle. The
25 Technical Committee's report proposes a partial

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1 revision of NFPA 5000, Building Construction and
2 Safety Code. The presiding officer will now proceed
3 with the Certified Amending Motions.

4 MR. CLARY: Thank you, sir. And it looks
5 like microphone number two.

6 STEVE FERGUSON: Steve Ferguson representing
7 the American Society of Heating, Refrigeration and
8 Air Conditioning engineers.

9 MR. CLARY: Thank you. And you are the
10 authorized maker of this motion, 5000-1.

11 STEVE FERGUSON: Thank you. I move to
12 accept proposal 5000-26.

13 MR. CLARY: And do we have a second?

14 UNIDENTIFIED MAN: Second.

15 MR. CLARY: We have a second, and again the
16 motion is to accept proposal 5000-26. Mr. Ferguson.
17 Please proceed.

18 STEVE FERGUSON: Originally this proposal
19 was rejected because standard 90.1 2007 was not
20 published or ANSI approved at the time. The standard
21 was approved by ANSI on December 17th, 2007 and I
22 request that the reference update be made for the
23 commercial energy code.

24 MR. CLARY: Thank you.

25 Mr. Wooldridge?

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1 JERRY WOOLDRIDGE: Mr. Chair, the Technical
2 Committee on building systems was agreeable to
3 accepting the use of the newer edition as the
4 standard 90.1. The committee action on the proposal
5 was in essence based on the fact that the actual
6 document was not available at the time of review.
7 And the Technical Correlating Committee actually
8 reaffirmed the action of the committee.

9 Now that the document is available, I do not
10 believe that the committee would object to the use of
11 the 2007 edition of the standard 90.1.

12 MR. CLARY: Thank you.

13 Seeing no one else at the mikes we'll
14 proceed to the vote, and again the vote is to accept
15 proposal 5000-26. All in favor please signify by
16 raising your hands.

17 Thank you.

18 All opposed, same sign.

19 The motion passes.

20 We will now move to motion sequence 5000-2.
21 Microphone number four.

22 DAVE FRABLE: Mr. Chair, Dave Frable
23 representing the U.S. General Services
24 Administration.

25 MR. CLARY: Thank you. And you are the

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1 authorized maker of this motion.

2 DAVE FRABLE: Yes.

3 MR. CLARY: Please proceed.

4 DAVE FRABLE: First of all, this is a sister
5 proposal --

6 MR. CLARY: We need your motion first though
7 please.

8 DAVE FRABLE: Okay. I will be speaking in
9 support of the motion on the floor to accept comment
10 5000-92 which will --

11 MR. CLARY: Do we -- okay, that's your
12 motion. Do we have a second?

13 UNIDENTIFIED MAN: Second.

14 MR. CLARY: Thank you. You may now proceed.

15 DAVE FRABLE: This is a sister proposal to
16 101-1, which I will be speaking on at that time.
17 This proposal will delete the proposed new text and
18 return the text in the code to the 2006 edition.

19 As proposed comment 5000-92 eliminates a
20 previously accepted practice of using automatic
21 sprinklers as part of fire barrier assembly. This is
22 a major code change that the proponent has submitted
23 without any technical substantiation or fire loss
24 data that demonstrates such past practices have been
25 a problem.

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1 Moreover, we strongly feel that accepting
2 this proposal will set a bad precedent by inferring
3 that automatic sprinkler systems are inherently less
4 reliable than traditionally passive fire protection
5 systems and will eliminate a previously accepted cost
6 effective design alternative.

7 The Technical Committee stated that this
8 redundancy is necessary because the automatic
9 sprinkler system may fail. However, this logic is
10 flawed because the underlying assumption is that
11 passive barriers, which do not require approval as an
12 alternative method, do not fail even though passive
13 barriers require continuous maintenance and
14 monitoring, again assuming that they were installed
15 correctly in accordance with the test assembly.

16 The premise that passive fire barriers are
17 more reliable is not proven. In addition we believe
18 this requirement would prevent the use of the
19 equivalency clauses from being applied to all UL
20 tested sprinkler glazing assemblies.

21 Last but not least it should be noted that a
22 similar code change proposal was submitted to the
23 fire protection features technical committee that was
24 rejected by the technical committee during the
25 written ballot period regarding basically the same

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1 issue. Based on these reasons we encourage the NFPA
2 membership to accept comment 5000-92 and return this
3 specific text in the code to the 2006 edition. Thank
4 you.

5 MR. CLARY: Thank you.

6 Mr. Wooldridge?

7 JERRY WOOLDRIDGE: Mr. Chair, I would like
8 to defer to Mr. Lathrop, the chairman of the
9 Technical Committee on means of egress at this point.

10 MR. CLARY: Thank you. Microphone number
11 three.

12 JIM LATHROP: Jim Lathrop, Koffel Associates
13 speaking as chairman of the committee on means of
14 egress.

15 Well, first of all, I think unfortunately
16 the proponent of this change has really
17 mischaracterized a lot of things. Number one, right
18 in the proposal it admits that sprinklers are good,
19 but we are saying that there are times, no matter how
20 few they are, where they fail. And it comes down to
21 this: Why do we even require an exit in a
22 sprinklered building? If we're going to assume that
23 the sprinklers going to work a hundred percent of the
24 time, why do we have exits?

25 We have them because of that small

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1 percentage where there might be a failure. I don't
2 want anyone to get into percentages, whether it's one
3 percent, five percent or 15 percent, you'll all heard
4 those arguments in the past. That's not the issue
5 here. The issue is we have the exits in case of the
6 fact that we do have a failure. And to turn around
7 and have those exits protected by sprinklers just
8 logically is ludicrous.

9 Number two, this prohibition is already in
10 chapter 8 of NFPA 5000. 8213. If you look at 8213
11 this prohibition does apply to all fire barriers in
12 NFPA 5000. All the means of egress committee is
13 doing is making sure that that applies to the exit
14 enclosures, because there is a difference in chapter
15 8 between 5000 and 101.

16 With regard to this thing that we're saying
17 the passive is better than the sprinklers, that's not
18 what this is saying at all. It's saying we don't
19 want to put all our eggs in one basket. Thank you.

20 MR. CLARY: Thank you.

21 Microphone number two I believe over there.

22 HOWARD HOPPER: Howard Hopper, Underwriters
23 Laboratories speaking in favor of the motion.

24 I'd like to speak to its impact on the code
25 user. UL has evaluated certain window sprinklers for

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1 use in conjunction with glazing. Now, we have not
2 assigned an hourly fire resistance rating to these
3 sprinklers or included the design in our fire
4 resistance directory. We did provide a test report
5 on our findings and we understand that our findings,
6 our test report was used as a basis for an ICCES
7 legacy report, which assigned the assembly to our
8 fire resistance rating for use in non-load bearing
9 walls.

10 Now, normally the AHJ has the ability to or
11 the option to accept such a system under the
12 equivalency provisions of the code. As we see the
13 committee action, this would prevent the AHJ from
14 using these equivalency provisions to accept such
15 systems. And we think that they really need to have
16 the flexibility to use the equivalency for these
17 applications. Thank you.

18 MR. CLARY: Thank you.

19 And also microphone number two.

20 JAMES GOLUMBO: Thank you, Mr. Chairman. My
21 name is James Golumbo. I'm with Tyco Fire
22 Suppression and Building Products. I'm the senior
23 vice president of new technology, codes and
24 standards. I stand in strong support of the motion
25 to allow the equivalency options to remain in the

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1 NFPA process.

2 NFPA establishes minimum criteria. The
3 committee should be allowed to require minimum
4 criteria such as rated walls; however, for the
5 committee to eliminate the flexibility of the
6 engineering and the end user community of the
7 equivalent methods recognized by the building code is
8 wrong.

9 The window protection system being
10 eliminated by the committee action has been
11 recognized and installed successfully for the past
12 13 years. The technology has been evaluated and
13 certified by the National Evaluation Service since
14 1996, the ICBO evaluation service since 2000, the ICC
15 Evaluation Service since 2003, the Canadian
16 Construction Materials Center since 1999, the
17 Building Materials Evaluation Commission since 2001,
18 and complies with the NFPA equivalent guidelines
19 prescribed by this standard.

20 The committee argues redundancy of the
21 system but fails to identify that electronic release,
22 fire shutters, rolling doors and other mechanical
23 systems also provide this minimum rating prescribed
24 by the standard.

25 This is just a clear attempt by special

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1 interest groups to eliminate a specific industry, the
2 fire suppression industry, to provide our clients
3 with code compliant options at a reasonable cost.
4 We've had 13 years of success with this recognized
5 technology without a single failure. Design
6 considerations, the water supply and monitoring keep
7 this as a flexible tool for the engineering and end
8 user community, always at the discretion of the
9 authority having jurisdiction.

10 This technology is not an automatic
11 sprinkler system. It is a water spray system that
12 provides equivalency of certain glass assemblies to
13 have rating equivalent to the minimum standards.

14 The committee action has further clarified
15 in the appendix stating that some glass window
16 assemblies have been tested with the method described
17 in accordance with ASTM E119 to demonstrate up to a
18 two hour fire resistance rating. It is the code's
19 intent to prohibit the use of such assemblies to
20 protect exit enclosures since the failure of
21 automatic sprinklers, failure of the sprinklers would
22 render the exit enclosure unprotected.

23 We have worked too hard and too long to
24 establish the effectiveness of automatic sprinklers
25 in the NFPA, and we do need this time of language in

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1 our standards. I ask the general membership to
2 please support this motion. Thank you.

3 MR. CLARY: Thank you.

4 Microphone number four.

5 RICK CABLY: Thank you very much. Rick
6 Cably, Reno Fire Department. I speak on behalf of
7 myself in support for this motion.

8 The application is used frequently in
9 university dormitories to prevent personal assault
10 against female occupants of dormitories. It is the
11 only acceptable solution that we have today, and I
12 urge your positive vote for this amendment.

13 MR. CLARY: Thank you.

14 And microphone number three.

15 JIM LATHROP: Jim Lathrop, Koffel
16 Associates, again speaking as chairman of the
17 committee on means of egress.

18 First of all, there is absolutely nothing in
19 this proposal that's prohibiting you from using the
20 equivalency provisions from chapter 1, otherwise it
21 would say everything in the code is prohibiting you
22 from using the equivalency provisions. That's just a
23 ludicrous argument, okay.

24 Number two, I'm really shocked, being from
25 the fire service myself, hearing a fire service

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1 representative say this because of the fact that one
2 of the things this protection is doing, especially in
3 5000, is providing protection for the firefighter
4 that's in the building using it as a staging area.

5 Remember, there's nothing in here that's
6 condemning sprinklers whatsoever. I'm a very huge
7 sprinkler advocate myself. There's nothing in here
8 condemning sprinklers. What it's talking about is
9 redundancy, a very minimal redundancy.

10 If you go to the authority having
11 jurisdiction, either under the equivalency concepts
12 or under the performance concepts, and they feel
13 there's adequate, redundant water supply or
14 something, remember what we're saying here is that
15 the exit is not going to be protected if we have a
16 sprinkler failure.

17 MR. CLARY: Thank you.

18 Microphone number four.

19 JOSH ELVOVE: Josh Elvove with the U.S.
20 General Services Administration. Granted the
21 equivalency option is always available. If you put
22 the prohibition language in there, it's likely or
23 unlikely an AHJ is going to want to take advantage of
24 it. Prohibition language is typically something
25 someone is not going to want to override. Again we

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1 talked yesterday about technical substantiation.
2 There really needs to be some loss date here to make
3 the substantive change.

4 MR. CLARY: For the record are you for or
5 against the motion?

6 JOSH ELVOVE: I'm for the motion.

7 MR. CLARY: Thank you. Microphone number
8 two.

9 JAMES GOLUMBO: James Golumbo, Tyco Fire and
10 Suppression Products speaking in favor of the motion.

11 Just point of order, Mr. Lathrop has been
12 introduced as the chairman of the task group. I just
13 want to also comment that Mr. Lathrop is the
14 submitter of the comment that we're moving to strike
15 that text. He's speaking on behalf of the
16 chairperson of the task group but he's also the
17 submitter of the comment.

18 MR. CLARY: Okay. Thank you.

19 JIM LATHROP: Point of order. That's not
20 true.

21 MR. CLARY: Microphone number three.

22 JIM LATHROP: It was submitted by Dave.
23 Dave Frable submitted the comment.

24 MR. CLARY: That's correct. Again the
25 motion was made on Mr. Frable so the chair is not the

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1 maker of the motion.

2 JAMES GOLUMBO: I apologize. James Golumbo,
3 Tyco Fire and Suppression. Mr. Frable's comment was
4 to strike the text accepted by the committee. The
5 committee accepted the text proposed by Mr. Lathrop.
6 That's what I was referring to. I apologize if I
7 misspoke.

8 MR. CLARY: Thank you.

9 Microphone number two.

10 HOWARD HOPPER: Howard Hopper, Underwriters
11 Laboratories speaking in favor of the motion.

12 I'm confused by some of the testimony that
13 was provided that you could, even with this comment
14 that or even without the comment going through, the
15 code language that the committee has approved that
16 even with that you could use equivalencies.

17 I'm not sure how you can use an equivalency
18 in this case. If the code section says you cannot
19 use these alternate systems, how you can find an
20 equivalency that says, well, the code says you can't
21 use them but now the equivalency wouldn't allow you
22 to go and justify that you could use them. So I
23 don't think that really works.

24 MR. CLARY: Thank you.

25 Microphone number three.

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1 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
2 International. For the record the proposal to which
3 comment 5000-92 refers to is 5000-98A and was made by
4 the Technical Committee on means of egress, not by
5 Mr. Lathrop. I just want to make sure the record is
6 clear.

7 MR. CLARY: We thank you for your clarity.
8 And microphone number six.

9 JOSH ELVOVE: Josh Elvove with the US
10 General Administration. And Jim will correct me if
11 I'm wrong, I believe the Technical Committee proposal
12 that generated out of 5000 was basically a sister
13 proposal that came out of chapter 7 from means of
14 egress, which I believe was generated by Mr. Lathrop.
15 So I think the means of egress committee, to make
16 sure the two documents coincide, created this
17 Technical Committee proposal so the two documents
18 would align.

19 MR. CLARY: Okay. Thank you. But I also
20 did acknowledge microphone number six first.

21 ERIC ROSENBAUM: Eric Rosenbaum, Hughes
22 Associates. I'm speaking in favor of the motion.

23 A couple things. I agree that there isn't
24 sufficient technical substantiation for it, and in
25 Mr. Lathrop's comments he said that fire protection

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1 features would not allow it specifically.

2 The way it's worded right now is that it
3 would require an equivalency as chapter 4, but I want
4 to recognize that that is the difference between 101
5 and 5000, and the committee members of fire
6 protection features said potentially that will be
7 addressed in the next edition of the code.

8 MR. CLARY: Thank you.

9 Mr. Wooldridge?

10 JERRY WOOLDRIDGE: Yes, Mr. Chair. The
11 Technical Committee on means of egress has taken the
12 approach that the redundancies provided by the
13 sprinkler system plus the rate of construction is the
14 level of safety that is desired in this situation.

15 Allowing a construction component that is
16 highly dependent on the operation of the sprinkler
17 systems to achieve the rating of an exit enclosure
18 does not provide the level of protection that has
19 been desired by the committee.

20 MR. CLARY: Thank you. Seeing no one else
21 at the microphones we'll move to the vote. And the
22 vote is it accept 5000-92. All in favor of the
23 motion please signify by raising your hands.

24 Thank you.

25 All opposed, same sign.

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1 The motion passes.

2 Next is motion sequence 5000-3. Microphone
3 number two.

4 JAKE PAULS: Good morning. I'm Jake Pauls.
5 My company is Jake Pauls Consulting Services. As the
6 authorized motion maker for motion sequence 5000-3 I
7 move to accept comment 5000-109A.

8 MR. CLARY: Thank you. You are the
9 authorized maker of this motion. Do we have a
10 second?

11 UNIDENTIFIED MAN: Second.

12 MR. CLARY: We have a second. Mr. Pauls,
13 please proceed.

14 JAKE PAULS: Thank you. And I should note
15 that there is a related motion on NFPA 101.

16 This comment is found on pages 5049 to 50 of
17 the Report on Comments. Acceptance of comment
18 5000-109A is consistent with the written ballot of
19 the means of egress Technical Committee accepting
20 this comment by a 21 to 6 majority, or 78 percent in
21 favor.

22 It's also consistent with the recommendation
23 of the NFPA high-rise building safety advisory
24 committee in early 2006. 80 percent of its members
25 voted in favor of the recommendation it sent to the

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1 Technical Committees.

2 The net result of the comment is the scope,
3 the 56 inch minimum width of exit stair for new
4 high-rise buildings cover by NFPA 5000. This is a
5 change from the scoping first adopted for the minimum
6 exit stair width in the 2006 edition of the code.
7 The end result is to require 56 inch minimum stair
8 width rather than the traditional 44 inches.

9 Voluminous justification for the 56 inch
10 minimum width was provided in my proposal and
11 comments for the 2006 edition and in my proposal
12 5000-104 for the 2009 edition. This is found on
13 pages 5073 through 75 of the ROP.

14 Stated very briefly, the 56 inch minimum
15 inch width was the smallest, the smallest of widths
16 recommended by researchers a few decades ago based on
17 several criteria. These challenged the traditional
18 reason for adopting the 44 inch minimum about a
19 hundred years ago when the 22 inch unit width was
20 first adopted for early code requirements for means
21 of egress.

22 Now the validity of the 22 inch unit was
23 flawed when it was first adopted, and beginning with
24 the work of John Fruen any myself four decades ago,
25 this error in exit width measurement was exposed and

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1 codes began eliminating the 22 inch unit over
2 20 years ago.

3 One vestige of the traditional error
4 persisted, however. This was the 44 inch minimum
5 width. It was based on a mistaken assumption that
6 this width would allow two people to walk side by
7 side or pass each other easily on the stair.

8 One of my papers in fire technology in 1984
9 set out the recommendation for the more empirically
10 justified minimum widths. 56 inch was the narrowest
11 nominal width recommended. Other research based
12 papers, notably one presented at the 1985
13 International Conference on Pedestrian and Evacuation
14 Dynamics by pedestrian pioneers John Fruen and
15 Jeffery Zupin, plus myself, went into considerable
16 detail.

17 The nominal width of 56 inches with a
18 handrail to handrail clear width of 48 inches has
19 been used in the NFPA codes for about a decade for
20 situations where occupied wheelchairs must be carried
21 down a stair. Over the four years since I first
22 submitted detailed proposals to require the 56 inch
23 minimum width for new exit stairs more generally,
24 there has been a growing awareness of changing
25 demographics of stairway users. Larger, heavier,

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1 less fit people actually make even greater demands on
2 stairway widths than my research colleagues and I
3 recognized about four decades ago.

4 The 56 inch minimum is not, is not based on
5 all of the still evolving demands that these new
6 demographics are imposing in the U.S. and most other
7 countries. The research that will eventually
8 determine just how much wider stairs should be beyond
9 56 inches will take a decade or more to do. I will
10 likely not live to see that work done and fully
11 implemented.

12 As we will hear in relation to another set
13 of proposals I'll make later, there are people in the
14 room today whose efforts in my opinion are retarding
15 even this badly needed research. Unfortunately after
16 the strong votes by two NFPA committees in favor of
17 comment 5000-109A, the building code Technical
18 Correlating Committee reversed the action of the
19 means of egress Technical Committee. In other words,
20 the TCC overturned the 21 to 6 ballot by the means of
21 egress Technical Committee supporting this comment.

22 You will likely hear more about this from
23 other testifiers and will make an interesting
24 discussion on committee process and jurisdiction when
25 the Council meets next month. And in closing I urge

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1 your support of the motion to accept comment
2 5000-109A.

3 MR. CLARY: Thank you.

4 Mr. Wooldridge?

5 JERRY WOOLDRIDGE: Mr. Chair, as you'll note
6 in the ROC, the TCC had to intervene and change the
7 committee action from accept or reject like Mr. Pauls
8 stated. This was done partly as a correlative issue
9 as the identical change in NFPA 101 was rejected.

10 You'll also note that Mr. Pauls has taken a
11 two prong approach to achieve a reason for wider
12 stairs in certain buildings. In both cases
13 additional comments on what stair widths were
14 provided by several of the committee chairs on
15 occupancies. While Mr. Pauls has provided much
16 information in his substantiation for his proposals
17 and comments, it simple did not compel the various
18 committees who looked at the proposed changes to move
19 away from the current requirement of tying the
20 standard width to the aggregated building population
21 that is expected to use the stair.

22 MR. CLARY: Thank you.

23 Microphone number three.

24 JIM LATHROP: Jim Lathrop, Koffel

25 Associates, chairman of the means of egress. Jerry

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1 has just said most of the points I was thinking also.
2 But one thing I want to point out, and as Jake
3 pointed out this one did actually pass the means of
4 egress committee for 5000 but failed for 101, which
5 gave us a kind of an awkward dilemma here, but this
6 creates two problems here on the floor then, because
7 there is not a NITMAM for this package for 101.

8 So if we put the 56 inch here, there's not a
9 NITMAM for it for 101. There is one in 101 for all,
10 I'm sorry, for all stairs but not the one for
11 high-rise, which I think we're going to end up with a
12 dilemma.

13 The other dilemma I think we have to
14 recognize, and Jerry kind of mentioned it in his
15 talk, we had several of the occupancy chapters that
16 were posing to this. All that opposition failed away
17 when the TCC said, okay, this package isn't ready for
18 prime time. And there's no, of course even with not
19 NITMAMs I guess they could bring it up because it
20 would be a related change, but I don't think people
21 are prepared for that. I think overall even within
22 the confusion of means of egress I think, as the
23 saying goes, it's not quite ready for prime time.

24 MR. CLARY: And for the record you're
25 speaking against the motion?

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1 JIM LATHROP: Oh, yes.

2 MR. CLARY: Thank you.

3 Microphone number three.

4 DAVE FRABLE: Dave Frable representing U.S.

5 General Services Administration. I will be speaking

6 in opposition of the motion on the floor to accept

7 comment 5000-109A which will require a minimum 56

8 inch wide exit stairs in all high-rise buildings.

9 We are in opposition to the motion to accept

10 comment 5000-109A because the proposal is based on

11 human movement studies from decades ago, and if

12 approved will result in unintended consequences.

13 These unintended consequences include this provision

14 unfairly penalizes all in floor plate high-rise

15 building design where a building may have a limited

16 occupant load that does not effect egress capacity of

17 exit stairs.

18 This new provision would also unfairly

19 penalized occupancies such as health care occupancies

20 where a total building evacuation might expose

21 patients to conditions more dangerous than those

22 encountered in relocating patients from a fire

23 compartment to another fire compartment on the same

24 floor.

25 The provision does not take into account

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1 consideration a high-rise building using other
2 evacuation strategies such as selective evacuation,
3 horizontal exiting, additional exit stairs, use of
4 elevators, etc., other than a complete and total
5 building evacuation strategy using wider stairs.

6 Finally, no actual fire incident evidence
7 has been brought forth to suggest that the proposed
8 new minimum stair widths are technically correct.

9 GSA recognizes that stair width is a
10 critical element of building design but considers
11 exit stair width as one of the many important
12 considerations that must be evaluated in the design
13 for a safe building.

14 Before settling on a new absolute dimension
15 for stair width, the design community needs to
16 reexamine the entire concept of occupant evacuation
17 in buildings in high-rise buildings in particular.
18 This is why GSA is funding National Institute of
19 Standards and Technology research that involves
20 actual building evacuation drills so that this data
21 can be used as a foundation to improve the overall
22 level occupant safety in buildings.

23 Any changes to stair width must be based on
24 sound technical basis that improves the current
25 egress requirements that also is in the best interest

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1 of the American taxpayer.

2 Based on all these concerns we encourage the
3 NFPA membership to maintain the action of the
4 Technical Correlating Committee and deny the motion
5 on the floor to accept comment 5000-109A. Thank you.

6 MR. CLARY: Thank you. Seeing no one else
7 at the mikes we'll move to the vote on this
8 amendment. Do you wish to speak on this one?
9 Microphone number two.

10 JAKE PAULS: If I may rebut.

11 MR. CLARY: Yes. Microphone number two
12 proceed please.

13 JAKE PAULS: Thank you. Again Jake Pauls,
14 Jake Pauls Consulting Service.

15 First of all, there is a great deal of
16 subtly or finesse that has to be used with this on
17 the issue of scope. The scopes of the two documents,
18 NFPA 5000 and 101, are not the same. And as staff
19 noted, you'll see this in the document, this was the
20 difference in scope which relates to firefighter
21 safety was imputed to be the reason for the two
22 ballots.

23 And hence to argue now that the two results
24 should be the same for two codes which are different
25 in scope I think ignores something very important.

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1 Now, that point was made by staff and not by me. So
2 there are legitimate reasons for acting differently
3 on 5000 than you do on 101. So I think we can put
4 that aside.

5 And in any event that would be an issue that
6 the Standards Council would be in the best position
7 to rule on.

8 On the issue of the occupancy committee
9 chairs, or the occupancy committee ballots, I was not
10 present for those deliberations. And they boil down,
11 you can see this yourself in the document, they boil
12 down to essentially a fairly simplistic argument on,
13 this is for high-rise buildings now, only high-rise,
14 high-rise buildings of limited floor plate and
15 population.

16 And this really avoids or ignores the
17 central importance of this issue. The minimum width
18 has nothing to do with population, aside from the 50
19 person threshold, it has to do with the mechanics of
20 people movement on stairs. And it's the same as the
21 current 44 inch threshold that was based on two
22 abreast in passing movement. It was a mistake made
23 decades ago. It has nothing to do with small floor
24 plates and small populations. So that's an important
25 point.

1 The occupancy committee in their
2 justification was very, very small. It should be set
3 aside here. And in my view, as a long-term member of
4 the committee, there's no harm in leaving a
5 requirement in the means of egress code chapter,
6 which is not adopted until perhaps the next cycle by
7 the occupancy chapters.

8 On the issue brought up by Mr. Frable -- I'm
9 sorry, just to finish up that comment, it's I think
10 inappropriate to say this is not quite ready for
11 prime time as the reason for rejection. I think
12 sound tight code development has no roll within the
13 NFPA process.

14 Now, Mr. Frable referred to movement studies
15 decades ago. There is no -- the fact that studies
16 were done decades ago and pointed out then the need
17 to widen the stairs doesn't denigrate in any way from
18 doing this long overdue change now.

19 On the issue of no evidence, there is indeed
20 evidence. He was very careful in his statement. He
21 referred to actual fire injury evidence. Now, there
22 is evidence that is not injuries because there is no
23 mechanism for collecting such data. There is
24 evidence that goes back to 1969 that the traditional
25 44 inch stair width wasn't working the way it had

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1 always been assumed, and there's a great deal of
2 evidence even to current times on that. Every
3 researcher who has examined this, I could name names
4 but they're well known in the field, has argued in
5 favor of the wider stairs based on the evidence that
6 they have. I'll stop there. Thank you.

7 MR. CLARY: Thank you.

8 Mr. Wooldridge?

9 JERRY WOOLDRIDGE: Mr. Chair, Mr. Pauls
10 recognizes that we use occupant load to determine
11 when we have to have a stair that goes up to a 44
12 inch width. So if we have less than 50 people we can
13 have a reduced stair.

14 If stair width is that important then why
15 wouldn't we require all stairs to have the 56 inch
16 width. If you have 52 occupants in a building all of
17 a sudden we have to increase the stair width. 49 you
18 can even further reduce it.

19 I think we need to stay with the provisions
20 that we currently have until further information is
21 available.

22 MR. CLARY: Okay. Thank you. Seeing no one
23 else at the mikes we'll now proceed with the vote.
24 And the vote is to accept comment 5000-109A. All in
25 favor of the motion please signify by raising your

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1 hands.

2 And all opposed, same sign.

3 The motion fails.

4 We will next move to motion sequence 5000-4.

5 And also I would ask if you have any comments to make
6 either for or against, please be ready to go at the
7 microphones. Thank you. Microphone number two.

8 JAKE PAULS: Again I'm Jake Pauls, Jake
9 Pauls Consulting Services. In the interest of full
10 process, I will go through the argument since --

11 MR. CLARY: First of all, Mr. Pauls, you
12 need to make your motion.

13 JAKE PAULS: Yes, I'm sorry. I'm getting
14 set up here. I move to accept comment 5000-109.

15 MR. CLARY: Thank you. Are the authorized
16 maker of this motion. Do we have a second?

17 UNIDENTIFIED MAN: Second.

18 MR. CLARY: We have a second. Mr. Pauls,
19 please proceed.

20 JAKE PAULS: Thank you. And there is a
21 related 101 motion.

22 This is a slightly different issue and it
23 picks up directly from the comment just made by the
24 TCC chair. Now, this comment is found on pages 5046
25 to 49 of the Report on Comments. It calls for the

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1 acceptance of proposal 5000-104 as submitted, and
2 that's found on pages 5073 to 75 of the ROP.

3 This is related to the motion just
4 addressed. It has the same technical justification
5 but here's the difference: It provides for different
6 scoping for the 56 inch minimum width. The scoping
7 here is intended to remain exactly the same as the
8 current scoping for the 44 inch minimum, and all the
9 evidence points to that.

10 I'm not going to repeat the history of the
11 studies on this and mistakes made decades ago. I
12 will simply say that decades ago use of the 50 person
13 scoping requirement for the 44 inch stair remains the
14 same, and I believe that's what Mr. Wooldridge was
15 referring to. That is where the total occupant load
16 on all stories served by the stairs is 50 or more,
17 the minimum stair width has been based on a stairway
18 width having as its main assumed performance the
19 ability of two people to walk side by side and to
20 pass one another in a reasonably non-disruptive way.

21 This minimum width and the associated
22 performance assumption applied whether the stairs
23 served one or six or twenty or a hundred stories
24 above the exit discharge level. It applied even if
25 in a non high-rise building each floor had as few as

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1 16 people on average would access to two required 44
2 inch stairs.

3 As explained in relation to the previous
4 comment, we knew decades ago that this movement
5 performance of two abreast move occurred very rarely,
6 if at all, on stairs of only 44 inches wide.
7 Further, we knew that at least 56 inch of nominal
8 width was actually needed to have this kind of stair
9 usage as the norm.

10 So much or all of the complaining you've
11 heard can be read in the ROP and ROC about small
12 floor plate, low population buildings is about
13 something that is not new, I stress is not new to the
14 NFPA codes and standards. The bottom line is that
15 scoping for the correct minimum stair width should
16 remain at the 50 person occupant load or something
17 not too different from it. This was the reasoning
18 behind proposal 5000-104 and related comment
19 5000-109.

20 Now, a little bit about the balloting on
21 this. You've just seen what can happen even when a
22 committee votes, when two committees vote strongly in
23 favor of something and then procedure gets in the way
24 in my view unfairly, but I'll take that up with the
25 Council.

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1 The means of egress Technical Committee
2 voted in favor of this comment 5000-109 at its last
3 meeting this cycle; however, 11 of 27 voting members
4 submitted negative ballots so it failed the
5 two-thirds ballot criteria. It came down to the
6 votes of two committee members.

7 I've closely examined the negative ballot
8 comments of the 11 opposing committee members. At
9 least four of these had only the argument of what
10 small floor plate buildings and low occupant load as
11 their reason for opposing. Other TCs responsible for
12 specific occupancies had committee comment
13 justifications opposing any increased minimum stair
14 widths that were largely, if not exclusively, based
15 on the same reasoning.

16 There was some more expansive opposition.
17 I'll deal with that after hearing from those holding
18 these opinions, speak again. Alternatively, look at
19 my comment on affirmative ballot 109 on pages 5048 to
20 49 of the Report on Comments. It describes, for
21 example, how nobody on the TC, nobody on the TC even
22 asked for specific literature items I referenced in
23 the proposal.

24 Furthermore, nobody who voted in opposition
25 to this comment even bothered to participate in the

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1 various international meetings where the matter of
2 stairway performance was presented and discussed.
3 Indeed, where were they on Tuesday morning when there
4 was a session addressing this.

5 Also as you'll see in my ballot comment, a
6 couple of members apparently could not even get some
7 of the math straight. I think there's a quality
8 issue here --

9 MR. CLARY: Mr. Pauls, one minute.

10 JAKE PAULS: Thank you. We rely on NFPA
11 committees to carefully examine and wisely decide on
12 the meaning of research data and the engineering
13 fundamentals as stipulated in the NFPA regulations
14 for committee projects at section 3-3.6. The actual
15 dynamics of people movement on stairs with realistic
16 intentions to the demographics --

17 MR. CLARY: 30 seconds.

18 JAKE PAULS: -- now affecting so many in the
19 U.S. and elsewhere is truly an example of engineering
20 fundamentals that we would expect TC members to
21 master. People are not static in size and
22 capabilities, yet we are stuck with some artifact of
23 incorrect assumptions a decade ago. And I urge you
24 in favor, to vote in favor of the motion to accept
25 5000-109. Thank you.

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1 MR. CLARY: Thank you.

2 Mr. Wooldridge?

3 JERRY WOOLDRIDGE: Mr. Chair, I'll defer to
4 Jim Lathrop, the chairman of the Technical Committee
5 on means of egress.

6 MR. CLARY: Thank you.

7 Microphone number three.

8 JIM LATHROP: Jim Lathrop, Koffel
9 Associates, chair of the Technical Committee on means
10 of egress speaking against the motion. As Jake has
11 pretty well summarized, this did pass at the means of
12 egress committee meeting but it failed to get the
13 two-thirds vote on the letter ballot, and those
14 reasons for that are pretty well stated in the ROC.

15 One thing, I do want to keep this short,
16 because if you didn't like 56 inch for the high-rise,
17 which had a better vote from the committee, this is
18 56 raw, and I'll leave it at that.

19 MR. CLARY: Thank you.

20 Microphone number one, we see you.

21 SKIP GREGORY: My name is Skip Gregory with
22 the Agency for Health Care Administration, state of
23 Florida representing the health care section of NFPA.

24 The health care section opposes this motion
25 because it would have a direct and negative

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1 economical impact on all newly constructed multistory
2 health care facilities with no discernable
3 improvement to the life safety of the occupants of
4 those facilities, who are, for the most part,
5 incapable of self-preservation and are not going to
6 be using exit stair during a fire emergency like
7 other occupancies.

8 Because patients or residents are often
9 unable to self-evacuate, the life safety code already
10 requires additional safeguards and redundancies, such
11 as fire and smoke compartmentalization, sprinkler
12 protection, smoke and fire alarm systems, and smoke
13 control systems to facilitate at strategy of defend
14 in place and horizontal evacuation by trained staff
15 who are in constant attendance.

16 For this reason the 44 inch wide exit stairs
17 have for many years served multiple story health care
18 facilities well without evacuation incident;
19 therefore, we urge you to vote against this motion.

20 MR. CLARY: Thank you.

21 Microphone number three, that's you,
22 Mr. Frable.

23 DAVE FRABLE: Thank you, Dr. Clary. Dave
24 Frable representing U.S. General Services
25 Administration in opposition to the motion on the

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1 floor.

2 Just following up what Mr. Lathrop stated,
3 if the membership voted against high-rise buildings,
4 this will orally affect all buildings, low-rise
5 buildings, small occupant loads, etc.

6 Based on these concerns and the concerns
7 raised during the previous proposal 5000-3, we
8 encourage the NFPA membership to maintain the action
9 of the Technical Committee and deny the motion on the
10 floor. Thank you.

11 MR. CLARY: Thank you.

12 Mr. Pauls, do you have a rebuttal?

13 JAKE PAULS: Yes, Jake Pauls from Jake Pauls
14 Consulting Services. I'll be as brief as I can. And
15 specifically on the point raised by Mr. Gregory, the
16 criteria for the minimum stair width are based on
17 both uni-directional flow and counterflow. And in
18 the health care situation, even those where there's a
19 defend in place policy that's actually operating for
20 that event, staff do have to move.

21 And this is a situation where you do have
22 the potential of people moving in opposite directions
23 on the stairs. And for those people moving in the
24 same direction on the stairs, there's a greater need
25 for assistance.

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1 So the argument I think for health care as a
2 special case actually makes the argument for the
3 finely improved stairways that we thought we were
4 getting all along. I find it remarkable as a person
5 from the public health and ergonomics field that we
6 can have so much argument for maintaining something
7 which goes back a hundred years, was a mistake then,
8 has been shown repeatedly to be a mistake, there's
9 lots of evidence of it not working, and simply
10 because of this resistance to change that we're
11 basically arguing we're not going to do anything.

12 Not mentioned here is that the benefit of
13 increased flow, which is now recognized by the life
14 safety code, by the way, using exactly the same
15 database, the vote was unanimously in favor of using
16 the exact same database to improve the credit for
17 capacity for the wider stairs.

18 Nobody on the committee complained about
19 that database being inadequate. I find it
20 disingenuous that people use the same database in one
21 situation when it helps them and then totally attack
22 the database for another situation which they're
23 opposed to. Thank you.

24 MR. CLARY: Thank you.

25 Microphone number three.

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1 DAVE FRABLE: Dave Frable, U.S. General
2 Services Administration. We're definitely not
3 standing pat on this issue. We're conducting
4 research with this right now trying to get evacuation
5 data so that the foundation to improve the overall
6 level of the occupant safety via the existing system
7 can be improved. So we're not standing pat as
8 Mr. Pauls has stated. Thank you.

9 MR. CLARY: Thank you.

10 And Mr. Wooldridge?

11 JERRY WOOLDRIDGE: Mr. Chair, we'll stand on
12 the comments made by the Technical Committee
13 chairman.

14 MR. CLARY: Okay. Thank you. Seeing no one
15 else at the mikes we'll move to the vote, which is to
16 accept comment 5000-109. All in favor please signify
17 by raising your hands.

18 Thank you.

19 All opposed, same sign.

20 And the motion fails.

21 We now move on to motion sequence 5000-5.

22 Microphone number two.

23 JAKE PAULS: Thank you. Again Jake Pauls.

24 My company is Jake Pauls Consulting Services. I move
25 to accept comment 5000-131.

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1 MR. CLARY: Thank you. You are the
2 authorized maker of this motion. Do we have a
3 second?

4 UNIDENTIFIED MAN: Second.

5 MR. CLARY: We have a second. Mr. Pauls,
6 you may proceed.

7 JAKE PAULS: Thank you very much. There is
8 a related motion for NFPA 101 on this.

9 This comment is found on pages 5058 to 59 of
10 the Report on Comments and it's based on proposal
11 5000-134 with modifications, and that's found on
12 pages 5100 to 102 of the ROP.

13 This comment builds upon a separated
14 submitted comment 101-108 from the NFPA high-rise
15 building safety advisory committee which voted
16 affirmative by a 10 to zero vote in support of a new
17 section, situation awareness of means of egress.

18 The concept of situation awareness is well
19 established, well studied, and extensively published
20 in many fields, and it's a newly defined term for the
21 2009 edition of the code. Simply put it means
22 knowing what is happening and what that means for
23 present and future action.

24 Here we're concerned with situation
25 awareness specifically in relation to what has

1 previously been a black box within buildings, the
2 exit stairs. Unlike other major life safety systems,
3 we currently have no systematic way of monitoring
4 exit stair usage during an emergency in a way that we
5 can monitor the status of other critical systems for
6 detection, alarm and water flow, for example.

7 Situation awareness has been a major factor
8 in many fire instances as well as many other
9 disasters. I could go through a long list here and
10 talk for hours on that.

11 Here we're concerned with first responders
12 and facility management knowing what is happening
13 within the exit stairways so they can make the best
14 possible decision based on realtime information that
15 does not rely on verbal reports from key staff within
16 the exits. And, by the way, by your vote over the
17 last two items we've now made this problem even more
18 challenging for both first responders and facility
19 managers.

20 A second use is imposed into the evaluation
21 of a specific event, an important concern noted, for
22 example, in NFPA 1600. A cursory use of potentially
23 and broader examination of how exit stairs are
24 actually used for evacuation, a concern for NIS and
25 many others, and I include GSA here, the very thing

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1 that GSA is in favor of, the further research, will
2 be best facilitated with this comment being accepted.

3 I'd like to hear what the alternative is to
4 that, which is fraught with all kinds of problems and
5 goes back to work that I did 40 years ago. We should
6 no longer use those old methods. I would hope that
7 as fire safety professionals on NFPA's high-rise
8 building safety advisory proposal, the fire safety
9 professionals here today vote in favor of this
10 important addition to the code. And we had two fire
11 service people on the high-rise, we have two on the
12 high-rise building safety advisory committee.

13 The scope of the application of this is only
14 to new high-rise buildings having an occupant load of
15 4,000 or more persons. For office buildings this
16 generally means capturing buildings over 14 stories
17 in height with relatively large floor plates.

18 Note that there's an NFPA standard
19 addressing video cameras as part of the security
20 system: NFPA 731, chapter 7, second edition approved
21 last year. There's a long track record for video
22 camera systems used for monitoring. The means of
23 egress members had misgivings or misconceptions about
24 them. This led to their not responding to my request
25 at the TC ROC meeting to add a reference to NFPA 731.

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1 Therefore, the original proposal to use the
2 video cameras for situation awareness has been
3 de-emphasized in comment 5000-131. Whether
4 referenced or not in the proposed requirement, it's
5 clear that any camera system or other monitoring
6 system will have an ongoing every day use for
7 security purposes. This can only help make the
8 monitoring systems more robust and reliable when an
9 emergency occurs that entails mass occupant use of
10 the exits.

11 Thus NFPA 731 will almost certainly be used
12 in the design and operation of video systems, for
13 example. Also the Standards Council may want to take
14 note of this, the interest overlapping among various
15 technical committees here. And here we have a
16 situation where the two are complimentary.

17 Clearly the whole topic of improving
18 situation awareness of what happens on exit stairs
19 during an evacuation is seen as an important --

20 MR. CLARY: Mr. Pauls, one minute.

21 JAKE PAULS: Thank you. One where the new
22 attention in the code. Also for the fire protection
23 engineering profession the need to replace the
24 current technology of people moving in evacuation is
25 getting widespread attention internationally because

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1 of the still unknown impact thus far and forthcoming
2 of major demographic changes --

3 MR. CLARY: 30 seconds.

4 JAKE PAULS: -- of people's body size, mass
5 and fitness generally. All these have profound
6 effects on speed, flow and density during
7 evacuations, particularly at the high population
8 buildings addressed here.

9 And there are comparable comments, by the
10 way, 5000-131, southern regional fire code
11 development committee and the high-rise building
12 safety committee. I urge you to vote in favor of the
13 motion to accept 5000-131. Thank you.

14 MR. CLARY: Thank you.

15 Mr. Wooldridge?

16 JERRY WOOLDRIDGE: Mr. Chair, at this time I
17 will defer to the chairman of the Technical Committee
18 on means of egress, Mr. Lathrop.

19 MR. CLARY: Thank you.

20 Microphone number three.

21 JIM LATHROP: Jim Lathrop, Koffel
22 Associates, chairman of the means of egress speaking
23 against the motion.

24 On some of the prior ones the committee
25 votes were pretty close. In fact, some of the prior

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1 ones the committee actually in session approved them
2 and then rejected it during the letter of ballot, not
3 getting the two-thirds.

4 This one wasn't even close. This is 26 to 1
5 vote on this. There was even debate within the task
6 group of the Technical Committee whether this was
7 even within the scope of the document, some of the
8 materials being provided here.

9 MR. CLARY: Thank you.

10 Microphone number three.

11 DAVE FRABLE: Dave Frable representing U.S.
12 General Services Administration and speaking in
13 opposition to the motion on the floor.

14 GSA is responsible for 1600 federally owned
15 buildings and over 7,000 leased facilities across the
16 U.S. In these buildings are housed many law
17 enforcement and national security agencies. These
18 federal agencies have raised security concerns when
19 it comes to having public sector entities installing
20 and utilizing video cameras in public areas, such as
21 the exit stairways to video or videotape their
22 employees and visitors while they are in the
23 building.

24 In addition, they have raised concerns that
25 they will have no control over the cameras or the

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1 video. This concern involves the potential for the
2 video and related information being dispersed into
3 the public domain and potentially impact the safety
4 of their employees and visitors.

5 We have brought these issues forward to the
6 proponent in prior meetings, but the proponent has
7 yet to address this real world security issue.

8 In addition we also have concerns that this
9 requirement would be used for the purpose of
10 collecting research data during the course of
11 building evacuations, which we strongly believe is
12 not within the scope of this code.

13 Lastly, to our knowledge there is no
14 national installation standard or preventative
15 maintenance standards for the occupant flow
16 monitoring equipment or video cameras; therefore,
17 enforcement of such equipment would be unenforceable,
18 on installation of such equipment without the
19 installation standards may not meet the intent of
20 this proposal.

21 Based on these concerns we encourage the
22 NFPA membership to maintain the action of the
23 Technical Committee and oppose the motion on the
24 floor. Thank you.

25 MR. CLARY: Thank you. Seeing no one else

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1 at the -- microphone number two.

2 JAKE PAULS: Thank you. Jake Pauls, Jake
3 Pauls Consulting Services. I don't wan to stand at
4 the mike to intimidate anybody.

5 It's remarkable here that NFPA's Standards
6 Council set up a high-rise building safety advisory
7 committee which has a broader base of membership than
8 does the means of egress Technical Committee and its
9 vote means nothing here.

10 I think NFPA might better spend its money, I
11 don't know in which direction, but surely some
12 considerable weight should be given to a committee
13 that has looked specifically at this issue, has the
14 expertise, including security people, has the
15 facility managers, has the fire services on, and so
16 on, and then they vote totally in favor of this
17 particular matter, as you can see from their other
18 comment which is in your book.

19 I am deeply distressed, I can say disgusted,
20 but I'm deeply distressed by the fact that the
21 reasons given for rejection by the means of egress
22 committee are so flawed, and you can read them for
23 yourself.

24 Mr. Frable has led the charge against this
25 based on a red hearing issue which is that certain

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1 federal agents, agencies having agents, do not want
2 to be captured on videotape. Contrary to what
3 Mr. Frable said, I have responded to this repeatedly
4 by noting that video cameras are not required by the
5 proposal, they're an option.

6 And, secondly, that if video is selected you
7 have a choice of pixilating the image, shooting from
8 behind people or shooting from overhead, all of which
9 address the concern about security of certain agents
10 who don't want to be identified in terms of facial
11 recognition. So I have dealt with that issue.

12 On the scope issue, I think this is within
13 the scope of the life safety code, as other NFPA
14 standards in terms of having actual monitoring of
15 critical life safety systems. If we want to continue
16 using the black box approach to what happens within
17 exit stairs and to live in ignorance as opposed to
18 greater knowledge, then you will vote against my
19 comment.

20 But we do need to find out what's happening
21 there, particularly since by your prior votes you've
22 now constrained the stairs to their traditional width
23 with all the problems that has.

24 On the issue of no standards, I would think
25 that a number of people in this room would be

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1 somewhat offended by the fact that NFPA 731 is given
2 such short shrift. It has a whole chapter dealing
3 with video cameras. And to say that they're not good
4 standards I think is an insult to the NFPA process,
5 which is deliberately focused on this matter of
6 security systems seen as complimentary to life safety
7 concerns of the NFPA has created the standard now in
8 its second edition.

9 And why, if there were problems with the
10 chapter 7 of 731, why was that not addressed in its
11 latest revision? Chapter 7, as I understand it,
12 didn't have major comments, and there aren't major
13 revisions in that standard.

14 So I think there's some larger issues Ewings
15 here NFPA will want to deal with and perhaps send a
16 general message to the means of egress Technical
17 Committee not to throw rocks at another standard that
18 exists, certainly unfairly. And certainly to be more
19 responsive to real life safety needs and to the
20 recommendations the special advisory committee set up
21 to address particularly high-rise building safety. I
22 will take my argument with the Standards Council.

23 Thank you.

24 MR. CLARY: Thank you.

25 Mr. Wooldridge?

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1 JERRY WOOLDRIDGE: Mr. Chairman, as noted in
2 the committee's statement to reject this comment and
3 proposal, the committee is not convinced that
4 occupant of first responder safety is improved by
5 installing devices that would enhance situation
6 awareness.

7 While it may be true that expanded use of a
8 particular feature or system could provide some
9 interesting data for research needs, that is not a
10 code or a safety related issue. The code simply
11 cannot begin the process to mandate certain features
12 or systems that would benefit the research community.

13 You should also note that action by the
14 building safety fundamental committee did recognize
15 situation awareness as a fundamental requirement
16 under comment 5000-66; however, it did not place it
17 on the same level as safety, integrity, health or
18 usability.

19 MR. CLARY: Thank you. Seeing no one else
20 at the mikes, we'll proceed with the vote, which is
21 to accept comment 5000-131. All in favor of the
22 motion please signify by raising your hands, along
23 with your arms.

24 Thank you.

25 All opposed, same sign.

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1 The motion fails.

2 We will next move to motion sequence 5000-6.
3 Either Mr. Martin, Mr. Jardin or Mr. McColl can make
4 a motion. Microphone number four.

5 JOSEPH JARDIN: My name is Joseph Jardin.
6 I'm with the New York City Fire Department and my
7 motion is to reject comment 5000-246.

8 MR. CLARY: You are the authorized maker of
9 this motion. Do we have a second?

10 UNIDENTIFIED MAN: Second.

11 MR. CLARY: We have a second. Mr. Jardin,
12 please proceed.

13 JOSEPH JARDIN: All right. Before I start
14 just let me note that this motion and associated
15 commentary represent my opinions and do not purport
16 to represent the position of the New York City Fire
17 Department on this topic.

18 This comment deals with a mandate to provide
19 a first responder use elevator in buildings over
20 120 feet along with related provisions for that first
21 responder use elevator. And let me note that while I
22 am supporting the rejection of this comment mandating
23 this first responder use elevator, I certainly do
24 whole heartedly support the concept of a fire service
25 use elevator; however, this particular comment, in my

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1 opinion, is lacking in terms of its application.

2 I have two overriding concerns with this
3 first responder use package. First is the mandated
4 threshold of 120 feet, and second is what is
5 perceived to be a premature action of the TCC based
6 on current ACME A17 task group work that's yet to be
7 completed on this topic.

8 Let me state that I worked for an
9 organization that has developed an extensive
10 experience with the use of elevators during high-rise
11 firefighting operations. As such we have evolved a
12 comprehensive set of guidelines governing the use of
13 elevators for firefighter operations.

14 An important element of our procedures is a
15 limitation that we don't use the elevators for fires
16 up to and including the seventh floor; however, we
17 can certainly and do use the elevators for fires on
18 floors eight and above. And believe me, if available
19 we're all for the use of these elevators. And I tell
20 you from a personal perspective, as I get older my
21 attraction for these elevators certainly grows.

22 The eighth floor threshold that we use
23 approximates the 75 foot definition for high-rise
24 buildings that we do find in the code. I would argue
25 that lowering the threshold from the twelve story

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1 building, excuse me, 120 foot height to the
2 definition for high-rise buildings would truly
3 benefit the fire service.

4 I'd also like to state that this new concept
5 was originally acted upon by two committees, the
6 Industrial, Storage and Miscellaneous Occupancy
7 Technical Committee as well as the Building Systems
8 Technical Committee in proposals 5000-193 and
9 5000-194 respectively.

10 At that stage in the process both of those
11 Technical Committees rejected the package recognizing
12 that this is material that really represents a work
13 still in progress of that ASME A17 task group, and,
14 in fact, may represent an incomplete package.

15 During the comment stage both TCs received
16 comments again proposing this concept in a reformed
17 package of elements which some might argue cherry
18 picked from the yet to be completed A17 task group's
19 work.

20 It is important to note that while the
21 industrial TC accepted the comment, the building
22 systems TC acted to hold the comment, recognizing
23 that this is an incomplete package as the A17 task
24 group is yet to complete its work. In its effort to
25 resolve the conflict between the two TCs, the

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1 building code correlating committee sided with the
2 industrial TC. This is curious as arguably the scope
3 and Technical Committee makeup of the Building
4 Systems Technical Committee is where the expertise on
5 this topic is located.

6 Hence, given the premature and incomplete
7 package of features reflected in the comment as well
8 as what I view as a less than fire service friendly
9 mandated threshold, I encourage the rejection of this
10 comment in hopes of future complete and truly fire
11 service friendly safe first responder use elevator
12 package.

13 MR. CLARY: Thank you.

14 Mr. Wooldridge?

15 JERRY WOOLDRIDGE: Mr. Chair, as Joe stated,
16 the TCC did have to rule on two different
17 recommendations for two separate committees on this
18 issue. The Building Systems Committee elected to
19 place a hold on the comment for further study pending
20 completion of the report that's being conducted by
21 the ASME group.

22 During the TCC ROC meetings, the Technical
23 Correlating Committee did reverse the action of ROC
24 comment 5000-247 based upon the information provided
25 by Mr. Frable about the status and progress that had

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1 been achieved on these first responder elevators.

2 At this point I'll just defer to the
3 chairman of the committee on Industrial, Storage and
4 Miscellaneous Occupancies, Wayne Holmes.

5 MR. CLARY: Microphone number one please.

6 WAYNE HOLMES: Wayne Holmes with HSP
7 Professional Loss Control, chairman of the Technical
8 Committee on Industrial, Storage and Miscellaneous
9 Occupancies.

10 The Technical Committee first addressed the
11 issue of first responder elevators under proposal
12 5000-193. At that time the Technical Committee
13 concluded that it was premature to go forward with
14 the action and did vote to reject, and as I say
15 similar action was taken by the Building Systems
16 Technical Committee.

17 The issue was readdressed under comment
18 5000-247, which included some changes in the original
19 proposal as well as some additional substantiation.
20 The Technical Committee was convinced at that time
21 that it was appropriate to include the first
22 responder elevator provisions in NFPA 5000 and
23 unanimously voted to accept comment 5000-247.

24 It was also noted by the Technical Committee
25 at that time that a different action was taken by

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1 Building Systems Technical Committee. The Technical
2 Correlating Committee, as has been pointed out,
3 supported the accept action by Industrial, Storage
4 and Miscellaneous Occupancy. The Technical Committee
5 stands behind its action to accept the comment and is
6 in opposition to the motion on the floor.

7 MR. CLARY: Thank you. Microphone number
8 four.

9 DAVID MCCOLL: My name is David McColl. I'm
10 with Otis Elevator Company and I'm chairman of the
11 ASMA A17 task group on use of elevators by
12 firefighters. I'd like to speak in favor of the
13 motion made by Mr. Jardin. He's already stated many
14 of the things that I was going to say and I'm in
15 incomplete agreement with his statement.

16 I'd just like to add that I believe, and as
17 does the task group, that the proposal is premature.
18 The ASME task group's work is not complete, contrary
19 to the substantiation given in comment 5000-246. Our
20 hazard analysis process is not completed. The
21 summary of corrective actions that we have produced
22 is preliminary. That's also not completed.

23 And there are no corresponding changes or
24 proposals for the A17 code to go along with this, so
25 there are no corresponding requirements in the

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1 elevator code that would support this.

2 The task group believes that it would be
3 better to defer this type of proposal until the next
4 round in the building code. We're certainly in favor
5 of having this kind of elevator or multiple elevators
6 actually, not just one, but we believe at this point
7 it is premature.

8 MR. CLARY: Thank you.

9 Microphone number two. Three, I'm sorry. I
10 can read. Three.

11 DICK MCCOWSKI: Thank you. Dick McCowski,
12 NIS, speaking against the motion.

13 With regard to the premature nation, NIS has
14 been working with the ASME task group since it
15 started in 2004. It's taking a very long time but it
16 is a very thorough process. However, in the case of
17 the fire service elevator, there is actually quite a
18 bit of experience. The British developed a standard
19 in the mid '80s, BS5588 part 8.

20 The requirements that have evolved for the
21 fire service elevator in this proposal are very
22 similar to that, and those systems are used, mandated
23 in England and many of the former British colonies
24 around the world. That standard has recently been
25 withdrawn by British standards and reissued as a

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1 standard for use throughout the European Union.

2 So these systems are in many tall buildings
3 in the world, and, in fact, are also being installed
4 in the United States. Freedom Tower, the replacement
5 for World Trade Center building one, contains a fire
6 service elevator designed very much as described in
7 this proposal. And recently this of San Francisco
8 has fast tracked a change to their city building code
9 to mandate fire service access elevators in tall
10 buildings, because they have a number of tall
11 buildings under design and they wanted to make sure
12 that they contained that feature.

13 There's an interesting aspect with regard to
14 the threshold that Mr. Jardin brought up. The 120
15 foot threshold is a bit of a compromise. It's not
16 that far off of 75. San Francisco decided to go with
17 420, 420 foot as a threshold. That's certainly
18 something that can be changed to local adoption based
19 on how the individual jurisdiction might want to
20 operate.

21 MR. CLARY: Thank you.

22 Microphone number four.

23 MATT MARTIN: Good morning. I'm Matt Martin
24 with Schindler Elevator. I'm also a member of the
25 task group that we've been talking about, which is

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1 doing hazard analysis. I agree with the comments
2 that have been made so far regarding it being, this
3 proposal being premature. I also have a couple of
4 specific objections to this proposal.

5 MR. CLARY: For the record are you for or
6 against the motion?

7 MATT MARTIN: For the motion. The proposal
8 seems to harden a single elevator but it doesn't
9 identify or mark that elevator so firefighters
10 arriving won't know which one is the appropriate
11 elevator to be using.

12 It also only hardens a single elevator. So
13 if that elevator happens to be shut down that day for
14 preventative maintenance, it's not clear what the
15 firefighters should do. And if they need to use more
16 than one car, it's not clear how they decide which of
17 them get to ride in the hardened car or which ones
18 ride in the ordinary cars.

19 The task group is currently leaning towards
20 having three firefighter elevators. I'm confident
21 that we will have a better proposal for the next
22 cycle, so I would like to see us wait, so I'm in
23 favor of the motion.

24 MR. CLARY: Thank you.

25 Microphone number three.

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1 DAVE FRABLE: Is that me.

2 MR. CLARY: That is definitely you.

3 DAVE FRABLE: Dave Frable representing U.S.
4 General Service Administration in opposition of
5 comment 246.

6 The intent, the overall intent of these new
7 requirements is to address the potential risk to
8 firefighters when using building elevators for
9 staging firefighters and equipment in a building.
10 Since 1990 GSA's been sponsoring research through NIS
11 to try to develop techniques for first responder use
12 of elevators in buildings and occupant evacuations.

13 We strongly believe that the code change
14 proposal has addressed the specific issues raised by
15 members of the ASME task group, and there's several
16 members in favor with this code change.

17 In addition, the fire service also
18 recognizes the need for the elevator access in tall
19 buildings. To support their timely response you need
20 logistics for fighting high-rise fires. For example,
21 like Mr. Bukasky brought up, San Francisco has just
22 recently developed requirements for fire service use
23 of elevator which are based primarily on these
24 requirements which are currently in the 2007
25 supplement of the IBC which had a majority support

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1 from the fire service.

2 We also believe that it's going to eliminate
3 counterflow issues within buildings, and we believe
4 the incremental cost of providing this first
5 responder use elevator is shown to be very
6 reasonable.

7 Regarding the issues raised by Mr. Martin
8 regarding the number of elevators and fire service
9 not knowing which elevator it is, the code proposal
10 as written states a minimum of one. In addition
11 regarding the fire service not knowing which one it
12 is, if they're doing pre-fire planning in the
13 building, they will know which elevator it is in
14 their pre-fire planning of the building.

15 Regarding the height, the minimum height of
16 120 feet, Mr. Jardin brought up an eight story
17 building. The reason 120 feet came up was the
18 elevator only goes two floors below the fire floor.
19 In a typical building if it's 12 stories that would
20 mean ten stories.

21 I have a building right now in my inventory
22 that's being constructed, it's 130 feet in height.
23 It's a four story building. So the stories do not
24 correlate with the height and, therefore, that's why
25 we go with the 120 feet as a reasonable alternative

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1 in lieu of -- we came to a compromise with a number
2 of individuals.

3 Regarding some of the other issues that it's
4 too premature, we cannot wait for this. I believe
5 the time is now. I believe this is a basis. The
6 code is a living document. It can be changed during
7 the code cycles, but right now, as Mr. Bukasky
8 stated, there's numerous jurisdiction in the United
9 States trying to install these elevators, and I
10 believe this is a good basis to start from. What
11 else? I've got a few other points. I'll come back
12 during rebate. I urge you to reject this proposed
13 motion. Thank you.

14 MR. CLARY: Thank you.

15 Microphone number four.

16 BRUCE FRAISER: Thank you. My name is Bruce
17 Fraiser with Fraiser Fire Protection Services. I'm a
18 member of the A17 task group. There are actually two
19 task groups that are working on this issue or these
20 issues. One is for the use of elevators --

21 MR. CLARY: Excuse me, are you speaking in
22 favor or against the motion?

23 BRUCE FRAISER: I'm speaking in favor of the
24 floor motion. The other is the use of elevators for
25 occupant egress. Both of the task groups are working

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1 and in process. They have not completed the work.

2 Although I believe strongly in the concept
3 of both use of the firefighter elevator and the
4 occupant egress elevator, I believe the current
5 language, if we do not accept this floor action,
6 would provide different terminology. It would be
7 confusing. It's incomplete and it may provide
8 conflicts with the results of the final task group
9 action.

10 I agree with the Technical Committee that it
11 should be a hold which would automatically put it
12 into the next cycle. I believe Mr. Frable and
13 Mr. Bukasky, they're also correct when they say that
14 buildings are being built now today and they don't
15 have any guidance. That is an issue, and I agree
16 with that. But right now I believe it's not ready
17 for prime time and we should support the floor
18 motion. Thank you.

19 MR. CLARY: Thank you.

20 Microphone number two.

21 MARTY HUGHY: Marty Hughy, I call the
22 question.

23 MR. CLARY: Do we have a second?

24 UNIDENTIFIED MAN: Second.

25 MR. CLARY: We have a second. We have a

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1 motion for closure. This is a non-debatable motion.
2 All in favor of closure signify by raising your
3 hands.

4 Thank you.

5 All opposed.

6 The motion carries. We will now move on
7 directly to the motion before us, which is to reject
8 comment 5000-246. All in favor please signify by
9 raising your hands.

10 Thank you.

11 Those opposed, same sign.

12 Let's try this once more with the hands
13 before we move to a standing. All in favor of the
14 motion please signify by raising those hands, get
15 them up high.

16 Okay. Thank you.

17 Same sign for against the motion.

18 We're going to go to a stand count. All in
19 favor of the motion please stand.

20 Okay. Thank you. You may be seated.

21 And those not in favor of the motion, your
22 turn to stand.

23 You may be seated.

24 The vote was in favor 41, opposed 41, with a
25 sizable number of abstentions; therefore, the motion

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1 fails.

2 We will next move to sequence 5000-7.

3 Microphone number four, Mr. Frable.

4 DAVE FRABLE: Dave Frable representing U.S.
5 General Services Administration speaking in support
6 of the motion on the floor to accept identifiable
7 parts in comment 5000-137 and the associated comment
8 5000-306A renumbered section in new annex E such that
9 the associated section in the new annex E are
10 revised.

11 MR. CLARY: Thank you. Do we have a -- and
12 you are the authorized maker of that motion. Do we
13 have a second?

14 UNIDENTIFIED MAN: Second.

15 MR. CLARY: We have a second. Mr. Frable,
16 please proceed.

17 DAVE FRABLE: Okay. How shall I start this?
18 I'll try to explain everything, what I'm trying to
19 do. The identifiable part in 5000-137 include
20 revising the requirement sections 11.14.7.2(1) and
21 11.14.7.2 such that the wiring for the power of the
22 elevators only needs to be required to have a minimum
23 one hour fire resistance rating.

24 Currently there are no requirements in the
25 code that require wiring for the power of two

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1 elevators to be required to have a minimum fire
2 protection rating or to be protected by construction
3 having a minimum fire protection rating.

4 In addition, no rationale has been provided
5 in the original proposal to justify the two hour
6 rated fire resisted requirement in a building that is
7 protected throughout by an automatic sprinkler
8 system. We believe that in a sprinkler protected
9 building requiring a minimum one hour fire protection
10 rating for the wiring powering the elevator is
11 reasonable and provides necessary safety.

12 Regarding the second identifiable part
13 11.14.8.1.2 to recognize that enclosed elevator
14 lobbies are not required on the street floor or level
15 of exit discharge. As currently written the elevator
16 lobbies on the street floor or level of exit
17 discharge will need to be enclosed.

18 The ASME A17-1 task group has identified
19 several concerns regarding mandating the enclosure of
20 the elevator lobbies on the street floor and level of
21 exit discharge. It's basically going to cause a
22 cuing problem on the first floor level with people
23 utilizing the elevators having to go through the
24 enclosure doors.

25 Item number three, the identifiable section

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1 is 11.14.8.4 item two, such that the minimum fire
2 resistor rating of the elevator enclosure is one hour
3 in lieu of two hours. Once again no rationale has
4 been provided in the original proposal to justify a
5 two hour rated fire resisted requirement in a
6 building that is protected by sprinklers.

7 We believe that in a sprinkler protected
8 building requiring a minimum one hour fire resistor
9 rated smoke barrier for the elevator enclosure is
10 reasonable and provides the necessary degree of
11 safety for the occupants using these elevators.

12 The last identifiable part is 11.14.8.7.1,
13 and once again this is only for correlation purposes,
14 reducing the rating of the elevator lobby doors.
15 Since we're only requiring one hour rate of barrier,
16 we believe that in a sprinkler building requiring a
17 three quarter hour rated lobby door and a one hour
18 fire rated smoke barrier for elevators is reasonable
19 and it provides the necessary degree of safety for
20 occupants using these elevators.

21 Based on these reasons we encourage the NFPA
22 membership to support our motion to accept all the
23 identifiable parts I have identified in comment
24 5000-137. Thank you.

25 MR. CLARY: Thank you.

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1 Mr. Wooldridge?

2 JERRY WOOLDRIDGE: Mr. Chair, I'll defer to
3 the chairman of the Technical Committee on means of
4 egress, Mr. Lathrop.

5 MR. CLARY: Thank you. Microphone number
6 three.

7 JIM LATHROP: Jim Lathrop, Koffel
8 Associates, chair of means of egress.

9 You've got to remember, this whole subject
10 is new. This idea of using occupant controlled
11 elevators for evacuation prior to phrase one recall
12 is new. The committee is trying to be a little
13 conservative here using a two hour enclosure. Don't
14 forget the shaft is going to be two hours because in
15 most cases these are going to be over three stories
16 obviously.

17 And one of the concerns I have is, and it
18 was just brought to my attention a few minutes ago,
19 is I think the revision he has to 11.14.8.5 parens
20 two, which in the new annex would be E84 parens two,
21 drop it down from two hours to one hour because that
22 talks about the occupant evacuation shaft system
23 being dropped down to one hour. And the shaft system
24 is defined as including the elevator hoistway, which
25 means if we use these elevators for evacuation, we're

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1 going to have less enclosure of that elevator than we
2 do if we don't use it for evacuation.

3 MR. CLARY: Thank you. Seeing no one else
4 at the mikes we'll proceed to the vote, and it is to
5 accept identifiable part of comment 5000-137. The
6 identifiable parts are 11.14.7.2(1), 11.14.7.2(2),
7 11.14.8.1.2, exception 11.14.8.2(2) and 11.14.8.7.1
8 as indicated in the comment recommendation. All in
9 favor of that please signify by raising your hands.

10 And thank you.

11 Those opposed, same sign.

12 You are just too spread out. We're going to
13 try this once again. Those in favor keep those hands
14 up high.

15 Thank you.

16 Those opposed, same sign.

17 The motion passes.

18 We will next move to sequence 5000-8.

19 Mr. Frable. Mr. Frable, 5000-8? Looks like that is
20 not going to being pursued, so we next go to 5000-9.

21 Mr. Pauls. Microphone number two.

22 JAKE PAULS: Thank you. Jake Pauls. My
23 company is Jake Pauls Consulting Services. I move to
24 return comment 5000-308B and associated proposal
25 5000-135A.

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1 MR. CLARY: Thank you. You are the
2 authorized maker of this motion. Do we have a
3 second?

4 UNIDENTIFIED MAN: Second.

5 MR. CLARY: We have a second. Mr. Pauls,
6 please proceed.

7 JAKE PAULS: And again there is related
8 motion for NFPA 101.

9 Now, this comment is found on pages 5000-140
10 to 42 of the Report on Comments, associated proposal
11 5000-135A is found on 5000-106 to 108 of the ROP.
12 And I should add that I don't see Dr. John Brian here
13 but some of my views are shared by him and were
14 expressed quite vocally during the last cycle.

15 I'm opposing all adoptions of measures to be
16 incorporated into a code annex dealing with
17 supplementary escape devices, especially at this
18 time. Part of the reason is the choice of title
19 using the word evacuation, which in my opinion would
20 be better referred to as escape. And I use the term
21 escape in I think more correctly in these comments.

22 Those in favor of adding such measures into
23 a code, even in an annex, have devoted a relatively
24 large amount of personal committee effort to such
25 devices at a time when greater effort should have

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1 been given to systems already in regular use normally
2 and for stairs in emergencies, especially now when
3 extra addition by professionals and others involved
4 with egress is needed to make use of stairs and
5 elevators more effective. We cannot afford the
6 distraction of introducing a third system for egress
7 or escape from upper floors of buildings.

8 We have very little assurance that these
9 escape systems will work. This is one problem. If
10 they do work at all, they will further confuse
11 building users and others with multiple options when
12 these people really need to focus on how elevators
13 will soon be part of some egress systems along with
14 stairs. And you can see from the prior items how
15 fast that's moving.

16 Compatibility issues between elevators and
17 stairs are challenging enough. With escape systems
18 added to the compatibility mix there's a lot of work
19 to be done beyond the superficial demonstration
20 videos produced thus far for escape systems and the
21 relatively limited efforts in ASTM to develop
22 standards for equipment. And I stress here for
23 equipment but not systems, because within my field of
24 ergonomics, systems includes users.

25 So the standards do not deal with human

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1 factors or ergonomics in any reasonable way. And
2 that's a huge impairment there.

3 It's been especially distressing to me
4 professionally that many committee members who voted
5 for the escape systems provisions going into the code
6 even as an annex voted in opposition to much more
7 useful measures that would have improved situation
8 awareness during associated egress.

9 Situation awareness is more often a problem
10 worthy of code provisions and design management and
11 regulatory efforts than are escape systems. It
12 appears to me that many professionals in the fire
13 protection and code standards area have lost sight of
14 the science and technology as a basis for maintaining
15 and proving safety of building occupants. There is
16 very little science and technology in the current
17 development of escape devices.

18 Witness also the opposition to updating the
19 long and incorrect minimum exit stair widths, in
20 addition to the partly misplaced opposition to
21 improving situation awareness. What's happening in
22 the fire protection engineering field and associated
23 professions when larger issues are given the short
24 shrift in favor of systems that are lowest priority
25 in any egress escape strategy.

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1 We first need to improve what we're doing
2 with stairs and elevators. And for that to happen,
3 those now voting for the escape systems need to be
4 more supportive of the very basic work on stairs and
5 elevators. After all the readiness and --

6 MR. CLARY: Mr. Pauls, one minute.

7 JAKE PAULS: Thank you. After all the
8 readiness and operation of stairs and elevators can
9 be readily monitored and are testable on a more or
10 less continuous basis, unlike the escape systems
11 which are counted on to work with people who have no
12 experience of ever using them prior to an emergency,
13 assuming that they are even functional after long
14 periods of misuse. Sorry, non-use. Finally, where
15 are the ergonomists or human factors experts who
16 would need to work on such systems in order to --

17 MR. CLARY: 30.

18 JAKE PAULS: -- reasonable assurance of
19 effectiveness. As noted earlier users are part of
20 the systems. Contrast the number of experts working
21 on stair and elevator egress with the apparent
22 complete absence of such expertise being applied to
23 escape systems. Quoting some others previous to this
24 meeting, this is not ready for prime time, and I say
25 that apologetically. Thank you.

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1 MR. CLARY: Thank you.

2 Mr. Wooldridge?

3 JERRY WOOLDRIDGE: Mr. Chair, I'm going to
4 defer to Mr. Lathrop, the chairman of the Technical
5 Committee on means of egress.

6 MR. CLARY: Thank you.

7 Mr. Lathrop, microphone number three.

8 JIM LATHROP: Jim Lathrop, Koffel
9 Associates, chair of means of egress.

10 And I think this is a tough subject, there's
11 no doubt about it. This has gone through two cycles
12 now. It was rejected last cycle. It's been accepted
13 by the committee this cycle. This is a non-mandatory
14 adoptable annex chapter that if an authority having
15 jurisdiction determines they want to use it, they
16 could.

17 The argument has been -- and, first of all,
18 no credit is given for the devices whatsoever, okay.
19 You're not losing any egress capacity. You're not
20 losing any travel distances or remoteness or anything
21 like that. It is totally, it is totally
22 supplemental. And I think a lot of the people in the
23 community kind of felt if we didn't have this
24 guidance in the annex, that the authority having
25 jurisdiction would have very little control over

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1 these devices, and at least this way there is
2 material in the annex that the AHJ can use. Thank
3 you.

4 MR. CLARY: Thank you.

5 And microphone number three.

6 KEN BUSH: My name is Ken Bush with the
7 Maryland State Fire Marshals Office, also a member of
8 the Technical Committee on means of egress.

9 What this proposed -- I'm speaking against
10 the motion. What this proposed annex does is not do
11 any harm to the code, as he suggested, it doesn't
12 provide any relief to either the currently life
13 safety features, particularly egress issues. They
14 are currently located in the code. He alluded to
15 some. There are a number and types of means of
16 egress, also travel distances, time and path of
17 travel, dead ends, etc.

18 What this annex does do as a positive
19 feature is to provide a tool for designers, users and
20 code officials particularly for the safe design and
21 installation and use of such systems when desired as
22 a supplemental evacuation device and for which no
23 standards currently exist in this code.

24 MR. CLARY: Thank you.

25 And microphone number three.

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1 CHRISTINE MCMAHON: Hi, my name is Christine
2 McMahon. I'm from Easter Seals. I am against the
3 motion. I'm also a new member on the Technical
4 Committee means of egress.

5 I'm asking that you vote against the motion
6 on the floor which would overturn a 24 to 2 vote to
7 adopt a critically important annex into the safety
8 code that provides a very necessary guidance.

9 Easter Seals and its 13,000 member workforce
10 serving a million people a year with disabilities, we
11 share a long commitment to issues of accessibility.
12 In 1969 we were the original sponsor of the standards
13 of building accessibility. We were instrumental and
14 a big participant in the design and passage of ADA.

15 You know, after many, many years of work
16 helping people with disabilities get into building we
17 realized it was time we started focusing our efforts
18 on getting people out of buildings. And so that
19 really was why we became very interested in these
20 alternative technologies to help people egress with
21 universal design in mind.

22 We do support the use of wider stairs, fire
23 resistant elevators and many other advances that can
24 be made, in particular those like some of these
25 alternative technologies that are universal in its

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1 design so people with and without disabilities can
2 approach it in a very consistent manner.

3 The reality is that many people with
4 disabilities cannot use stairwells, and for these
5 individuals in particular those alternative
6 technologies are not just a nice addition, but they
7 are, in fact, and can be the means, the only means
8 for egress. And so we have a big interest in
9 continuing the support of these technologies.

10 We've studied the applications in areas
11 where they're in use. We have reviewed the body of
12 work done by other certifying bodies, and there are
13 many other certifying bodies of this technology. We
14 know two things: The product will continue to be out
15 there and it will continue to be purchased and used.
16 And we feel that code, albeit in annex, is critically
17 essential for proper use and guidance to the field in
18 its application. Thank you very much.

19 MR. CLARY: Thank you.

20 And microphone number three again.

21 DAVID DEVRIES: I'm David Devries with Fire
22 Tech engineering, Incorporated. I am also a
23 consultant to the original proponents of this text,
24 the Safe Evacuation Coalition. I speak in opposition
25 to the motion on the floor today.

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1 Three years ago this body and the Standards
2 Council told us that our proposed text on the subject
3 of supplement evacuation equipment was not quite
4 ready for the building construction and safety code,
5 NFPA 5000. We took heed of that notice. We
6 participated actively in the development of new text.
7 We worked with the task group assigned to develop
8 this text in the means of egress committee over a
9 period of a year and a half. A group of five
10 experts, including Dr. John Brian, who was mentioned
11 earlier by Mr. Pauls, and other members of the means
12 of egress committee worked on this extensively.

13 We saw this process through to approval of a
14 committee supported change to the building safety and
15 construction code in the form of annex F, an
16 adoptable annex that does not mandate the use of this
17 equipment or installation of the equipment, but it
18 provides a means for regulating this equipment if a
19 building owner or developer chooses to use it.

20 If you look through the Report on Comments
21 on this subject, you'll see that there was not a
22 single comment submitted to the means of egress
23 committee to reject the proposal that was the
24 original text of this. It wasn't prepared by anyone,
25 not the maker of the motion today or anyone else.

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1 You've heard some claims made by the
2 proponent of the motion on the floor that there has
3 been a lack, an absence of ergonomics in the
4 development of this technology, and frankly that's
5 just not true. There have been efforts by the means
6 of egress committee, the task group assigned by the
7 means of egress committee, and then parallel with
8 this an extensive development of standards through
9 the ASTM process.

10 While we were working on the text in the
11 life safety code, ASTM formed a subcommittee with the
12 assignment of developing product standards for this
13 equipment. And that came to fruition about two years
14 ago with the publication and final approval of a
15 standard on control descent devices, followed shortly
16 thereafter by a standard on platform rescue systems.

17 The subcommittee and task groups in that
18 ASTM process had extensive experience in engineering,
19 product safety, human factors, ergonomics. They were
20 addressed thoroughly and they are requirements within
21 those standards that the manufacturer demonstrate the
22 usability of the products in relation to the users.

23 You've also heard a claim that providing
24 this kind of equipment will be confusing to people in
25 the event of a need to evacuate a building. Well, I

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1 offer to you today that more than eight decades ago
2 the committee that developed the building exits code
3 decided that in some situations multiple exits were
4 needed.

5 Today we've got more than a half a dozen
6 exits from this room. Is there any doubt in your
7 mind that if several of those were blocked by fire
8 that we would be able to make a decision to use an
9 alternate one?

10 We've also heard claims that working on this
11 subject has become a distraction to more important
12 issues like the width of stairs and situation
13 awareness. In fact, this subject by its nature being
14 at the end of the chapter on means of egress and now
15 in the annex was heard last. There was no effort
16 whatsoever taken away from these other subjects by
17 this task. We now have products that have been
18 certified to the ASTM standards --

19 MR. CLARY: One minute.

20 DAVID DEVRIES: -- or in the process of
21 being certified by international laboratories as well
22 as laboratories in the U.S. We have products that
23 have been approved by the U.S. General Services
24 Administration. They've been approved by the U.S.
25 Department of Homeland Security as anti-terrorism

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1 devices and we have within this annex F --

2 MR. CLARY: 30 seconds.

3 DAVID DEVRIES: We have the means for safe
4 installation of these products in a building. We
5 encourage you to vote against the motion on the floor
6 and in support of the committee which overwhelmingly
7 approved this new annex. Thank you.

8 MR. CLARY: Thank you.

9 Microphone number two.

10 JAKE PAULS: Jake Pauls, Jake Pauls
11 Consulting Services and member of the means of egress
12 committee. And I should add I'm the only certified
13 ergonomist in that process. And at the ROC meeting
14 when this came up, and it was a drastically changed
15 proposal, it wasn't subject to public comment, I
16 asked the proponents what was the ergonomics
17 assessments that were done in the ASTM, and I got
18 blank stares. No literature, no studies, no
19 authorities have been brought forward to support this
20 statement you just heard that ergonomics and human
21 factors was considered in the ASTM process. And,
22 indeed, there was extensive experience in that
23 process with human factors and ergonomics.

24 As an ergonomist I'm appalled to hear that
25 because ergonomics is science and a technology which

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1 relies on systematic evaluation. There is no such
2 thing, there are no such people doing that kind of
3 work with these escape devices.

4 It's interesting, and I think Mr. Devries
5 just made my point when he made the analogy about the
6 many exits from this room, he was equating exits and
7 escape routes. So we already have some evidence this
8 morning of exactly the kind of thing I mentioned
9 where the attention on legitimate means of egress and
10 exits is being deflected by these escape devices.

11 I'm quite familiar with many years of
12 experience, 41 to be exact, with being the lone voice
13 crying in the wilderness and later on being proven
14 correct. And while I'm near the end of my career, I
15 have another 15 years, and within that 15 years I
16 suspect I will see evidence of exactly more what I've
17 just said will happen, that the attention to escape
18 devices, even in an annex, is a terrible distraction
19 for the code.

20 And I really disagree with Mr. Bush where he
21 says this doesn't do any harm to the code. I have
22 enough evidence this morning that that is not true.

23 The comments by the Easter Seals
24 representative are particularly troubling because I
25 had worked in the field of life safety for people

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1 with disabilities since the 1970s. And I've worked
2 with the best people in world in the area and I'm
3 well published in that area.

4 I worked on, for example, in the task group
5 on stair descent devices for which there is a very
6 good ergonomic track record, and we have in the
7 annex, the explanatory annex to the code, guidance
8 material on those.

9 And so it's really unfortunate that even a
10 proven set of devices which we have addressed in the
11 code without all this controversy in the last cycle
12 is now being given short shrift in favor of totally
13 unproven devices which I, as an ergonomist and
14 someone who is an expert in the field of life safety
15 with people with disabilities and worked with the
16 best people in that field, I know, and I can say very
17 confidently, as I would to a court under oath, that
18 there is no good evidence, ergonomics or otherwise,
19 that these escape devices work certainly in a human
20 universal design fashion for people with
21 disabilities.

22 We have demonstrations. We do not have
23 actual experience. I think this is premature. I
24 really regret that NFPA will today take a step which
25 will detract from the credibility of the code and

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1 which will decrease the attention to much more useful
2 ergonomically proven methods of evacuating or
3 escaping from buildings. Thank you.

4 MR. CLARY: Thank you.

5 Microphone number three.

6 DAVE DEVRIES: Once again Dave Devries, Fire
7 Tech Engineering speaking on behalf of the Safe
8 Evacuation Coalition.

9 Just in closing I'd like to emphasize, this
10 annex is an adoptable annex. Even if a jurisdiction
11 adopts the NFPA 5000 building code, unless they
12 specifically reference adoption of this, this does
13 not become an enforceable document. It provides
14 guidance. It's advisory in nature only.

15 And as Mr. Bush pointed out and Mr. Lathrop,
16 there is nothing in this annex that's going to
17 replace the required means of egress. There's no
18 credit given towards providing this in the form of
19 exit capacity, number of exits, travel distance or
20 any of the other requirements that we have for the
21 means of egress.

22 What this really does, especially if it is
23 adopted by a jurisdiction, it provides the fire
24 official or code enforcement officer the authority to
25 prevent the installation of unsafe equipment while

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1 recognizing that there are some technologies that do
2 provide universal access for disabled people and
3 others in the event of the failure of all other
4 options in the means of egress.

5 Lastly I'll close by reminding you that the
6 vote of the committee, the means of egress, was
7 overwhelmingly in favor of this by a vote of 24 to 2.
8 Thank you very much, sir.

9 MR. CLARY: Thank you.

10 Mr. Wooldridge, any final comments?

11 JERRY WOOLDRIDGE: I think the Technical
12 Correlating Committee will stand on the information
13 that's already been presented.

14 MR. CLARY: Thank you. At this time we'll
15 move to the vote on the motion, which is to return
16 comment 5000-308B and associated proposal 5000-135.
17 All in favor please signify by raising your hands.

18 Thank you.

19 All opposed.

20 The motions fails.

21 And this concludes our work on NFPA 5000.

22 Mr. Wooldridge, thank you.

23 JERRY WOOLDRIDGE: Thank you, Mr. Chair.

24 MR. CLARY: And at this time we will be
25 moving to a ten-minute break. And that's ten minutes

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1 by my clock, so we want to be back here at 11:03 a.m.
2 ten minutes from now, 11:03 a.m. Thank you.

3 (A brief recess was taken.)

4 MR. CLARY: We're back on the record at this
5 time. The last report this afternoon in
6 consideration is that of the Technical Committee on
7 Safety to Life. Here to represent the Correlating
8 Committee is Correlating Committee Chair James Quiter
9 of Arup, San Francisco, California.

10 The report can be found in the green 2008
11 Annual Revision Cycle ROP and the blue 2008 Annual
12 Revision Cycle ROC. The Certified Amending Motions
13 are contained in the Motions Committee report and
14 behind me on the screen. We will proceed in the
15 order of the motions sequence number presented.

16 Mr. Quiter.

17 JAMES QUITER: Thank you, Mr. Chairman.
18 Mr. Chair, ladies and gentlemen, the report of the
19 Technical Committee on Life Safety Code on NFPA 101
20 can be found in the Report on Proposals, volume two,
21 and the Report on Comments for the 2008 Annual
22 Meeting Revision Cycle. The Technical Committee's
23 report proposes a partial revision of NFPA 101, Life
24 Safety Code. The presiding officer will now proceed
25 with the Certified Amending Motions.

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1 MR. CLARY: Thank you. Before we begin I
2 would ask that if you are making a motion on NFPA 101
3 that you also had a motion on NFPA 5000, would you
4 please inform the body that that so did exist.

5 Also, I'd like to see a show of hands, we
6 would like to move to a three-minute discussion since
7 most of the issues were already discussed in 5000.
8 So all in favor of that please raise your hand.

9 Thank you.

10 All opposed.

11 And that passes.

12 Marcelo HIRSCHLER: Excuse me, Marcelo
13 Hirschler, GBH, a point of order. Some issues were
14 not discussed in 5000. I wish to have the same
15 amount of time available.

16 MR. CLARY: The rules of the conference
17 allow me, the presiding officer, to make this change,
18 so I have so ruled. It will be three minutes.

19 With that we will now begin. Our first
20 sequence is 101-1. Mr. Frable.

21 DAVE FRABLE: Dave Frable representing U.S.
22 General Services Administration. This is a sister
23 proposal to NFPA 5000-92.

24 MR. CLARY: If you can state the motion
25 please.

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1 DAVE FRABLE: I will be speaking in support
2 of the motion on the floor to accept comment 101-39.

3 MR. CLARY: And do we have a second?

4 UNIDENTIFIED MAN: Second.

5 MR. CLARY: We have a second. Mr. Frable,
6 you may proceed.

7 DAVE FRABLE: This is a sister proposal to
8 NFPA 5000-92, which the membership passed a few
9 minutes ago. In an effort to conserve some time,
10 I'll be standing on the same testimony I stated
11 previously, and we encourage the NFPA membership to
12 accept comment 101-39 in return the text in the code
13 to 2006 edition. Thank you.

14 MR. CLARY: Thank you.

15 Mr. Quiter?

16 JAMES QUITER: I defer to the chairman of
17 the means of egress committee, James Lathrop.

18 MR. CLARY: Thank you. Mr. Lathrop,
19 microphone number three.

20 JIM LATHROP: Jim Lathrop, Koffel
21 Associates, chair of means of egress, speaking
22 against this obviously because the committee
23 supported this.

24 And I would not vote against this just
25 because what you did in 5000, because 5000 has

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1 another paragraph in it, chapter 8, that kind of made
2 that whole motion moot. Here we don't have that
3 protection.

4 Now, one of the things that really just
5 bothered me about the last testimony was the fact
6 that they kept saying that it would elimination the
7 ability to provide an option either through the
8 performance based method or through an equivalency.
9 There's nothing in here that says that.

10 If I say your travel distance is limited to
11 200 feet, that doesn't mean you can't get an
12 equivalency for 250 or 300 feet. We do it all the
13 time. Just because something is prohibited in the
14 code does not prevent you from getting an
15 equivalency. And of course if you go the performance
16 based route, you don't even get to this paragraph
17 because you're not even in this part of the code if
18 you got the performance based route.

19 This is not trying to compare or condemn
20 sprinklers versus passive protection. It's saying
21 that and the fact that if we have a sprinklered
22 building we would essentially end up with no extra
23 protection.

24 MR. CLARY: Thank you.

25 Microphone number two.

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1 JAMES GOLUMBO: James Golumbo, Tyco Fire
2 Suppression and Building Products speaking in support
3 of the motion.

4 I won't bother the panel here today on
5 re-reading the same information for NFPA 5000. I do
6 disagree that it will cause burden on people to come
7 up with an equivalency when the standards
8 specifically says you shall not use a suppression
9 system, and it is not allowed in the appendix clearly
10 as proposed says automatic sprinklers shall not be
11 allowed for this equivalency. So I won't re-read the
12 same information but ask the members to support this
13 motion.

14 MR. CLARY: Thank you.

15 Microphone number three.

16 BILL KOFFEL: Bill Koffel, Koffel Associates
17 speaking for myself in opposition to the motion.

18 Jim alluded to a difference between 101 and
19 5000 is very significant. Right now 101 would not
20 require someone to go through the equivalency process
21 to use this methodology. However, the report that
22 they want to use only speaks to equivalency to codes
23 other than NFPA codes. It talks about I codes and
24 Legacy codes. And there's a number of issues that
25 will come up in a subsequent discussion that I really

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1 hadn't planned to move.

2 But if this motion passes then we need to
3 put the language in chapter 8 that's in chapter 8 of
4 the 5000 which forces this to go through the
5 equivalency process.

6 I might note that a very similar body in
7 Canada has looked at this same issue and has said
8 this should not be used for exits on certain
9 occupancies. It should not be used in buildings that
10 are not fully sprinklered in certain occupancies.
11 Those are the types of decisions that an equivalency
12 analysis would allow a code official to make.

13 I might also note that if I had a wall and
14 an exit enclosure it has to meet some other
15 requirements such as impact. There's no requirement
16 for this class to meet any type of impact resistance
17 prior to or in an issue that may not involve a fire.

18 MR. CLARY: Thank you.

19 Microphone number two.

20 HOWARD HOPPER: Howard Hopper, Underwriters
21 Laboratories speaking in favor of the motion. And
22 the reasons for this are the same ones I testified to
23 on motion 5000-2.

24 MR. CLARY: Thank you.

25 Mr. Quiter?

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1 JAMES QUITER: No comments.

2 MR. CLARY: Okay. At this time we'll move
3 to the vote, which is to accept comment 101-39. All
4 in favor please signify by raising your hands.

5 Thank you.

6 All opposed.

7 The motion passes.

8 Next is sequence 101-2.

9 Mr. Pauls.

10 JAKE PAULS: Yes, I'm Jake Pauls with Jake
11 Pauls Consulting Services. And in the sole interest
12 of preserving rights with the Standards Council I'll
13 make the motion to accept comment 101-55.

14 MR. CLARY: Thank you. Do we have a second?

15 UNIDENTIFIED MAN: Second.

16 MR. CLARY: We have a second. Mr. Pauls,
17 please proceed.

18 JAKE PAULS: Very briefly, I stand on my
19 statement made in relation to NFPA 5000-109. Thank
20 you.

21 MR. CLARY: Thank you very much.

22 Mr. Quiter?

23 JAMES QUITER: I'll defer to Jim Lathrop,
24 chairman of the Technical Committee on means of
25 egress.

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1 MR. CLARY: Mr. Lathrop, microphone number
2 three.

3 JIM LATHROP: Jim Lathrop, Koffel
4 Associates, chairman of means of egress. Also in the
5 interest of time, pretty much what we said on 5000
6 but a little bit different here. This one did -- the
7 vote actually did fail in the Technical Committee.
8 It did pass at the meeting but failed the two-thirds
9 during the letter ballot. I do want to point out
10 that this is the 56 inch stair for all buildings, not
11 just high-rise.

12 MR. CLARY: Thank you.
13 Microphone number one.

14 SKIP GREGORY: Skip Gregory, agency for
15 health care administration, state of Florida
16 representing the health care section of NFPA. We
17 also oppose this motion for the same reasons given
18 during 5000.

19 MR. CLARY: Thank you. Seeing no one else
20 at the mikes we'll now proceed to the vote to accept
21 comment 101-55. All in favor please signify by
22 raising your hands.

23 Thank you.

24 Those opposed, same sign.

25 The motion fails.

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1 We next go to motion sequence 101-3. Either
2 Mr. Koffel or Mr. Frable are authorized to make this
3 motion.

4 DAVE FRABLE: Dave Frable, U.S. General
5 Services Administration. I'll be speaking in support
6 of the motion on the floor to reject and identifiable
7 part in comment 101-74 in item one on 7.2.2.5.5.3
8 paper B.

9 MR. CLARY: Thank you. Do we have a second?

10 UNIDENTIFIED MAN: Second.

11 MR. CLARY: We have a second. Mr. Frable,
12 please proceed.

13 DAVE FRABLE: The basis for this --
14 basically this proposal revised revision will revise
15 the subject text such that the markings on handrails
16 will be a minimum one inch in width in lieu of a
17 minimum half inch in width.

18 During the NFPA 101 TCC meeting, the
19 correlating committee decided to go with the minimal
20 half inch marking in 11.2.2.5.4.9 in lieu of the
21 minimal one inch marking in 101-74. It should be
22 noted that the statements made during the NFPA 101 TC
23 meeting that New York City did not adopt the one inch
24 minimum marking for the handrails was inaccurate.

25 New York City has indeed adopted a one inch

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1 minimum width for handrails in reference standard
2 RS6-1. But in full disclosure the New York City
3 standard for a one inch marking was not based on real
4 technical research. The New York City research
5 consisted of mockup installations in New York
6 stairwells in many different configurations, other
7 placement and dimensions and then turning the lights
8 out for New York City task and their senior engineers
9 and architects gauging their responses.

10 In addition in the IBC 2000 supplement,
11 which also has adopted the one inch marking for
12 handrails, please note that a recent research study
13 conducted by the National Research Council of Canada,
14 which was based on the New York City requirements for
15 a minimum one inch marking on handrails proved to be
16 very satisfactory with descending occupants.

17 It should be noted that it was also stated
18 during the NFPA 101 TCC meeting that the minimum half
19 inch marking on handrails was based on technical
20 research; however, to the best of my knowledge the
21 only research report addressing this issue was from
22 the University of Iowa which stated a narrow marking
23 width of less than one inch was appropriate.
24 However, I would not consider going to a half inch
25 unless there is additional technical research to

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1 support this hypothesis.

2 Please also take into consideration that the
3 primary intent of the handrail marking is to improve
4 the visibility of handrails for persons with visual
5 impairments who rely on being able to first find the
6 handrail first at the top of the stairs to get them
7 going down the stairs.

8 In addition handrails are also curved and
9 therefore the marking material may not cover a full
10 half inch of the surface area visible to the eye;
11 therefore, we feel that the minimum one inch marking
12 is justified.

13 Based on these reasons we encourage the NFPA
14 membership to support our motion to reject the
15 identifiable part in comment 107-74. Thank you.

16 MR. CLARY: Thank you.

17 Mr. Quiter?

18 JAMES QUITER: I'll start with saying that
19 the task in front of the correlating committee was
20 exactly that. There were two clauses that had two
21 different numbers in them, and our task was to choose
22 one of them. With that I will defer to Jim Lathrop,
23 chairman of the Technical Committee on means of
24 egress.

25 MR. CLARY: Thank you.

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1 Mr. Lathrop, microphone number four.

2 JIM LATHROP: Jim Lathrop, Koffel
3 Associates, chairman of means of egress. As you
4 noticed I changed microphones for this one because as
5 just mentioned the TCC had over-ridden the TC and it
6 is the opinion of the Technical Committee on means of
7 egress that the one inch should be used.

8 MR. CLARY: Thank you.

9 And microphone number one, Mr. Pauls.

10 JAKE PAULS: Yes, Jake Pauls, Jake Pauls
11 Consulting Services speaking as the proponent of the
12 proposal which led to the half inch, and that was
13 from the last cycle.

14 This is both tough and easy. We have a bit
15 of a quandary here. The best that Mr. Frable can
16 come up with is he feels, he feels one inch is
17 justified. The two people who were advisors to the
18 city of New York on markings, Helen Pruel and myself,
19 favor the half inch.

20 Now, why is that the case? A couple of
21 reasons. And again you have to take the word, the
22 expertise of the two people who are fairly active in
23 this area, and particular Gay Lynn on this matter. I
24 talked with her about this the other day and she
25 explained why they used one inch in the most recent

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1 series of studies in Ottawa. It was simply an
2 artifact of that particular stair handrail which was
3 square in section and permitted one inch.

4 But she explained to me that their attempts
5 to get the one inch on round handrails, which are
6 more common in the square section, ran into
7 difficulties because at that width you couldn't get
8 the edges from lifting up. So there are some
9 logistic problems getting a one inch.

10 Now, the other reason for this, the half
11 inch, if you, this is an ergonomic one, and it's
12 basically a first principles analysis. If your eyes
13 are here at roughly two meters, I'm rounding off
14 here, the handrail is at one meter, the marking for
15 the stair nosing is at zero. The minimum width for
16 the marking on the nosing is relatively clear cut,
17 it's one inch. And the visual angle of the handrail
18 marking at half that height only has to be a half
19 inch to have the same visual angle as the one inch.

20 Now, there are reasons to have the same
21 visual angle, or at least not have the handrail any
22 more prominent than is the marking on the treads.
23 The marking on the treads is the most important
24 requirement, I think everyone will agree with that,
25 and yet it's the one that's most easily obscured and

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1 it's the one that's farthest from you, and being
2 farthest from you of course the light is reduced when
3 it reaches your eyes.

4 So from an ergonomics perspective, and I can
5 only argue it on first principles here, you would
6 want to have the handrail given current understanding
7 and technology at a half inch. So I leave you with
8 that. Thank you.

9 MR. CLARY: Thank you.

10 Microphone number four.

11 DAVE FRABLE: Okay, Dave Frable, U.S.

12 General Services Administration speaking in favor of
13 the one inch.

14 Contrary to what Mr. Pauls said, I did talk
15 to Dr. Pruel yesterday also on that same issue. The
16 issue in hand is in Canada, yes, they are putting
17 recommendations for a half inch because they are
18 retroactively installing handrail markings on
19 existing handrails in existing buildings.

20 She stated that in her evaluation or
21 evaluation of those one inch markings they tended to
22 peel up on existing handrails and they felt that the
23 half inch was more appropriate for existing
24 installation.

25 This code proposal is for new installations,

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1 and she said she had no problem with the one inch and
2 felt that it could be used and would be viewed
3 acceptable to the occupants going down the stairs.

4 In addition I believe this proposal also
5 says that the handrail marking could be integral to
6 the material on the handrail. So there would be no
7 peeling if the marking was integral on the handrail
8 itself. For example, numerous installations around
9 the country right now are painting the entire
10 handrail with photoluminescence paint in lieu of --
11 so, therefore, I personally believe that the one inch
12 is more suitable and will have more visible, serve
13 the purpose for more persons with visual impairments
14 than the half inch. Thank you.

15 MR. CLARY: Thank you.

16 And microphone number one.

17 JAKE PAULS: Jake Pauls, Jake Pauls
18 Consulting Services. Again we have the basis for the
19 position being personally believed. We had feel
20 before. It's getting stronger.

21 There's no conflict between adopting, or
22 when you adopt the half inch minimum width
23 requirement to using one inch in those situations
24 where you can use it. And clearly you've just heard
25 from the prior speaking that there's a hardship issue

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1 with installation, even with new handrails, I must
2 add, and I spoke to a manufacturer here the other day
3 about that. So the safest course of action to take
4 until we can get past the feel good and believe bases
5 for code changes is to adopt the half inch. Thank
6 you.

7 MR. CLARY: And just for the record are you
8 opposed or for the motion?

9 JAKE PAULS: I'm at the microphone saying
10 against the motion.

11 MR. CLARY: Well, but unfortunately the
12 stenographer doesn't quite come that way so you need
13 to say it when you're at the microphone.

14 JAKE PAULS: I'm sorry, your Honor, I'm
15 opposed to the motion.

16 MR. CLARY: Thank you.

17 Microphone number four.

18 PHIL JOSE: Phil Jose, PR Jose & Associates,
19 I call the question.

20 UNIDENTIFIED MAN: Second.

21 MR. CLARY: We have a second to close, to
22 bring it to closure. All in favor signify by saying
23 aye, or hands up, sorry.

24 Thank you.

25 And those opposed, same sign.

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1 Motion passes. It's non-debatable. We now
2 move to the motion before us, which is rejecting the
3 identifiable part in comment 101-74. The
4 identifiable part is TCC action on item one on
5 7.2.2.5.5.3 sub paren B. All in favor of the motion
6 please raise your hands.

7 Thank you.

8 Those opposed, same sign.

9 The motion passes.

10 Next is sequence 101-4. Mr. Pauls. Let's
11 try to be ready at the microphones. Mr. Pauls.

12 JAKE PAULS: Thank you for your indulgence.
13 As before, in the interest of procedure, I move to
14 accept comment 101-104.

15 MR. CLARY: Thank you. You are the
16 authorized maker of this motion. Do we have second?

17 UNIDENTIFIED MAN: Second.

18 MR. CLARY: We have a second. Please
19 proceed.

20 JAKE PAULS: And as this relates to item
21 5000-131 dealt with previously, I simply stand on my
22 testimony for that item. Thank you.

23 MR. CLARY: Thank you.

24 Mr. Quiter?

25 JAMES QUITER: I'll defer to Jim Lathrop,

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1 chairman of the Technical Committee on means of
2 egress.

3 MR. CLARY: Mr. Lathrop.

4 JIM LATHROP: Jim Lathrop, Koffel
5 Associates, chairman of means of egress. And the
6 same arguments that we had on this exact same subject
7 back in 5000.

8 MR. CLARY: Okay. Thank you. Seeing no one
9 else at the mikes we'll move to the vote. It is to
10 accept comment 101-104. All those in favor please
11 signify by raising your hands.

12 Thank you.

13 Those opposed, same sign.

14 The motion fails.

15 We next move to sequence 101-5. Mr. Koffel,
16 microphone number four.

17 BILL KOFFEL: Bill Koffel of Koffel
18 Associates speaking for myself but in the interest of
19 full disclosure I am a consultant of members in the
20 fire rated glazing industry and I serve on the
21 committee as a representative of the glazing industry
22 code committee. I move acceptance of comment
23 101-148.

24 MR. CLARY: Thank you. Are the authorized
25 maker of this motion. Do we have a second?

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1 UNIDENTIFIED MAN: Second.

2 MR. CLARY: We have a second. Mr. Koffel,
3 please proceed.

4 BILL KOFFEL: As I said earlier, when I came
5 here I really wasn't planning on making this motion
6 because I thought that chapter 7 or the means of
7 egress issue actually addressed this issue. However,
8 if we listen to the debate during the 5000
9 discussion, everybody referred to the chapter 8
10 requirement that you had to go through the
11 equivalency process.

12 What you have is a non-traditional way to
13 provide a fire resistance rated separation in a
14 building. It is being based upon an evaluation
15 report that says, quote, It is a suitable alternative
16 to that specified in, and then provides a list of I
17 codes and Legacy codes.

18 There's been no evaluation as to whether
19 it's a suitable alternative to an NFPA code
20 requirement. The report does not require the
21 building to be sprinklered. So you are potentially
22 going to offer a fire resistance rating on a wall
23 with glass in it with a couple of sprinklers near it
24 when the building is not protected with a sprinkler
25 system.

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1 The report offers that there are certain
2 wall assemblies for which this should not be used
3 based upon code requirements in the I codes. And the
4 paragraph 75 of the report is prefaced where the I
5 code is adopted. So if the I code is not adopted,
6 and I'm using the NFPA code, do those restrictions
7 apply or not?

8 As I said before, there's another evaluation
9 that was done in Canada that says, well, we should
10 base this on whether the building is sprinklered, the
11 type of wall, the occupancy. None of that is
12 addressed in the evaluation report that most people
13 use from the I code process.

14 There is a requirement of paragraph 78 that
15 says you have to use a 36 inch pony wall to keep
16 combustibles away from the glass. If you don't use
17 the pony wall you have to go through the alternative
18 materials process.

19 This is all about an alternative and that is
20 all this comment is saying. If we want to use this
21 non-traditional approach, let's just go through the
22 alternative process and allow the code official or
23 AHJ to determine whether it's appropriate or not.
24 There's no restriction that says nothing about
25 sprinkler reliability or anything. The code official

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1 makes that determination.

2 Members of the committee that opposed this
3 said, well, you shouldn't have to do that. You
4 shouldn't have to say that. I would offer that you
5 do if you want the code official to have the
6 authority to evaluate all those alternative. I
7 encourage you to support the motion.

8 MR. CLARY: Thank you.

9 Mr. Quiter?

10 JAMES QUITER: I'll defer to Eric Rosenbaum,
11 chairman of the Technical Committee on fire
12 protection features over on mike five.

13 MR. CLARY: Mike five, please proceed.

14 ERIC ROSENBAUM: I'm Eric Rosenbaum with
15 Hughes Associate. I'm the TC chair on fire
16 protection features and I speak against the motion.

17 It passed the committee and failed in
18 ballot. And there were many reasons stated for its
19 failure. In specifically this section would
20 specifically interject a new section to require the
21 use of the equivalency or performance based design.

22 As both, as indicated several times in the
23 conversation, including Mr. Lathrop and Koffel, the
24 code automatically prevents this without comment.
25 There's no purpose to refer back and no reason to

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1 highlight here. It's done nowhere else in the code.
2 It sets a precedent or a trend that these sections
3 are only applicable if referenced.

4 In addition, the code is already clear on
5 criteria applicable to fire resistance rated walls
6 and the authority having jurisdiction can evaluate
7 what is proposed. It is felt that this motion seems
8 to be favoring one technology over another.

9 MR. CLARY: Thank you.

10 Microphone number one.

11 JAMES GOLUMBO: James Golumbo, Tyco Fire
12 Suppression and Building Products speaking against
13 the motion.

14 The chairman just captured everything I
15 wanted to say. This is just another attempt to
16 identify automatic fire protection to single it out
17 from any other method being applied. Section 14 in
18 chapter 5 allow equivalencies and it applies to the
19 entire document. So I ask to speak against the
20 motion. Thank you.

21 MR. CLARY: Thank you.

22 Microphone number four.

23 DAVE FRABLE: Dave Frable representing U.S.
24 General Services Administration speaking in mild
25 support of the motion on the floor. I concur with a

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1 number of points that Mr. Koffel has made and I urge
2 the membership to strongly consider his points and
3 vote accordingly. Thank you.

4 MR. CLARY: Thank you.

5 And microphone number four.

6 BILL KOFFEL: Bill Koffel, Koffel

7 Associates, just in brief rebuttal to two points.

8 This language is already in NFPA 5000. You
9 heard no argument as to why it should be in 5000 and
10 not in NFPA 101. Is it favoring one technology? I
11 represent the glazing industry code committee on this
12 Technical Committee. Would have fire rated glazing
13 members, we have non-rated glazing members. GICC
14 promotes the safe use of glass, rated or non-rated,
15 and we're suggesting that you support this.

16 MR. CLARY: Thank you.

17 Mr. Quiter?

18 JAMES QUITER: No further comments.

19 MR. CLARY: At that we'll move to the motion
20 on the floor, which is to accept comment 101-148.
21 All in favor of the motion please signify by raising
22 your hands.

23 Thank you.

24 Those opposed, same sign.

25 Okay. We're going to try this once again.

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1 Those in favor of the motion get those hands up high
2 with the attached arms.

3 Thank you.

4 And those opposed.

5 I'm sorry, it's too close to call. We're
6 going to go for a standing. So those in favor of the
7 motion please stand.

8 Okay, thank you.

9 And those opposed can now stretch.

10 Thank you. You may be seated.

11 The yeas were 26 the nays were 45. The
12 motion fails.

13 We will next move to sequence 101-6.

14 Microphone number four.

15 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
16 International, and I move to accept comment 101-266
17 and 101-279. The staff has asked that these two be
18 combined into one motion.

19 MR. CLARY: Yes, thank you. And you are the
20 authorized maker of this motion. Do we have a
21 second?

22 UNIDENTIFIED MAN: Second.

23 MR. CLARY: Thank you. Dr. Hirschler,
24 please proceed.

25 Marcelo HIRSCHLER: Thank you. What this

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1 does is something very simple. Although there's a
2 lot of language in here all it does is say that newly
3 introduced upholstered furniture into health care
4 occupancies must meet the smoldering requirement that
5 all upholstered furniture in the United States has
6 been meeting since 1978. Newly introduced mattresses
7 must meet the same requirements that mattresses have
8 been required to meet smoldering requirements and
9 have been required to meet since 1972, and if they
10 don't then the building has to be sprinkler.

11 So the only difference between what is here
12 and what is in the code today is that today there's
13 an exception for sprinklered, if a sprinklered
14 occupancy does not need to put it, sorry sprinklered
15 and smoke detectors in the occupancy there's no need
16 for the upholstered furniture or the mattress to be
17 smolder resistant.

18 That, number one, makes no difference
19 because practically there are no mattresses or
20 furniture that do not meet the smolder requirement
21 unless they are old ones, and there is an exception
22 here clearly for those upholstered furniture and
23 mattresses brought in by the patient in nursing
24 homes, so that doesn't apply.

25 And second, sprinklers don't do anything to

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1 affect smoldering. Sprinklers have no affect on the
2 smoldering. Sprinklers have affect on the heat
3 release. So at the last cycle in chapter 10, the
4 Technical Committee on furnishings and contents got
5 rid of the exception in chapter 10 for smoldering for
6 both mattresses and upholstered furniture. What
7 we're doing is giving a false impression.

8 I need to discuss one other issue that's
9 very important because this is the reason that some
10 of you may be aware that this motion was unjoined and
11 joined again and unjoined again. The issue is that
12 section 9.3.5.1 says already in the 2006 edition of
13 the code that nursing homes, even existing nursing
14 homes, must be sprinklered. So since this goes in
15 then this will have no effect on that.

16 Talking before we thought that sprinklers
17 were not required in existing nursing homes. I know
18 there's a moratorium, okay, fine, but there's also a
19 moratorium before the 2009 edition of the life safety
20 code will be adopted, so by then this will come into
21 effect.

22 So I just want to clarify the only thing
23 that this does is say that you don't have sprinkler
24 exceptions for mattress and upholstered furniture
25 that are newly introduced and that are not being

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1 brought in by the patient. The ones that are being
2 brought in by the patient are specifically excluded.

3 Thank you.

4 MR. CLARY: Okay. Thank you.

5 Mr. Quiter?

6 JAMES QUITER: I defer to Tom Jager speaking
7 for the Technical Committee on health care occupancy.

8 TOM JAGER: Tom Jager of Jager & Associates.
9 And for disclosure on the committee I do represent
10 the American Health Care Association, but I'm
11 representing the Technical Committee today.

12 The committee unanimously voted against both
13 of these motions because basically it doesn't add
14 anything to the document. The mattresses and
15 upholstered furniture are already regulated here by
16 the consumer product safety or by the manufacturing
17 industry.

18 Medicare and Medicaid mandates that nursing
19 homes allow patients to bring their personal
20 furniture into the nursing home, whether it's
21 regulated furniture or not, and of course it isn't
22 regulated furniture. And Medicare does not mandate
23 that it be a sprinkler building. The fact that the
24 buildings are sprinklered we now put in the code
25 patients can bring their own personal furniture into

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1 the building if the building is sprinklered.

2 The building is already required to be
3 sprinklered. So it's just verbiage that means
4 absolutely nothing.

5 As far as one of the concerns of the
6 committee is the federal government doesn't move very
7 quickly. And when they adopt addition of a code,
8 they usually keep it for somewhere between 12 and
9 15 years. Our concern is if we codify the consumer
10 product safety test methods in the code and then the
11 Consumer Product Safety Commission changes their test
12 method, we now have a test method demanded by the
13 code and now a different test method demanded by the
14 Consumer Product Safety Commission.

15 Right now if the consumer product safety,
16 the way the code is written, if the Consumer Product
17 Safety Commission changes their test method, it
18 doesn't impact anything within the code or duplicate
19 another test method. It's just verbiage added to the
20 code that changes nothing but leads to the potential
21 for conflict in the future. Thank you.

22 MR. CLARY: Thank you.

23 Microphone number one.

24 TOM GARDNER: Tom Gardner, Schirmer
25 Engineering Corporation and rise in opposition to the

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1 motion on the floor. I'm also the chairman of the
2 health care section.

3 Our codes and standards review committee on
4 Monday examined this and voted to take a position as
5 a section to oppose this. When they brought it to
6 our executive board, we understood that this motion
7 may be split, such that comment 101-279 for existing
8 buildings would not be part of this motion. So we
9 decided as an executive board not to take a position.
10 Now this is not split. So I just want to let you
11 know that we had known it wasn't going to be split we
12 would have taken a position as a section. We did
13 not, but we do rise, I rise in opposition to the
14 motion on the floor.

15 MR. CLARY: Thank you.

16 And microphone number one.

17 PHIL THOMAS: Phil Thomas representing the
18 American Health Care Association. We vote against
19 the motion.

20 MR. CLARY: Thank you. And number four.

21 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
22 International. A couple of points. First of all, I
23 want publically to apologize to the health care
24 section because I thought, I wasn't intending to
25 mislead them but we had a number of discussions with

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1 staff about splitting the motion and not splitting
2 the motion, and I got advice from staff that if the
3 motions were split it would cause an inconsistency
4 within the codes. So I apologize publically to the
5 health care section for that.

6 With that said, the argument by Mr. Jager on
7 whether the Consumer Product Safety Commission is
8 going to change their mind on a standard that's been
9 around since 1972, and they haven't changed their
10 mind, it's been the law of the land since 1972 that
11 all mattresses need to meet the requirements of
12 smoldering.

13 In fact, you can't get mattresses that don't
14 meet smoldering requirements. So if we're saying
15 here in this code, which is what we're saying right
16 now, that, yes, we're going to permit mattresses that
17 don't meet the requirements, we're giving a very bad
18 impression. In fact, you can't get them unless you
19 import them from some exotic country, you can't get
20 mattresses that don't smolder. So we're giving a
21 really bad impression that we're promoting the use of
22 bad mattresses.

23 The mattresses brought in by the patients
24 and the furniture brought in by the patient is
25 clearly excluded by this proposal in both new and

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1 existing. So it really has no affect this question
2 of that the patient has permission. Absolutely the
3 patient has permission to bring the mattress in,
4 absolutely. That is not in question. Thank you.

5 MR. CLARY: Thank you.

6 Mr. Quiter?

7 JAMES QUITER: No further comment.

8 MR. CLARY: Okay.

9 JAMES QUITER: We do have mike five.

10 MR. CLARY: I'm so sorry. Microphone number
11 five.

12 TOM JAGER: The committee doesn't feel that
13 not having the requirement is going to result in
14 having mattresses that don't comply with consumer
15 product safety, what the committee is saying is we
16 recognize that all mattress manufactured and sold in
17 the United States have to comply with the Consumer
18 Product Safety Commission and, therefore, we don't
19 need to duplicate that information or that
20 requirement in the life safety code.

21 MR. CLARY: Thank you.

22 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
23 International. I'm sorry, I have to come in one more
24 time. What we're saying in the code right now is
25 that you don't require them to be smolder resistant.

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1 You're saying we do not require them to be smolder
2 resistant. We specifically exclude health care from
3 having to be, to have smolder resistant mattress.

4 That's my problem. Thank you.

5 MR. CLARY: Microphone number five.

6 TOM JAGER: That's not true. What we're
7 saying is we recognize that the mattresses sold and
8 manufactured in the United States are smoldering
9 resistant because of consumer product safety
10 requirements and, therefore, we don't need to repeat
11 it in the code.

12 MR. CLARY: Thank you. Seeing no one else
13 at the microphone we'll now proceed with the vote.
14 And again it's to accept comment 101-266 and also to
15 accept comment 101-279. All in favor of the motion
16 please signify by raising your hands.

17 Thank you.

18 All opposed, same sign.

19 The motion fails.

20 We will next move to sequence 101-7.

21 Microphone number four, Dr. Hirschler.

22 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
23 International, and I move 101-265 and 101-280.

24 MR. CLARY: You are the authorized maker of
25 this motion. Do we have a second?

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1 UNIDENTIFIED MAN: Second.

2 MR. CLARY: We have a second. Please
3 proceed.

4 Marcelo HIRSCHLER: This is very similar to
5 the previous one. There's one distinction here and
6 that recognizes the law of the land with regard to
7 mattresses that now you can't buy mattresses that
8 don't meet 101, sorry 16 CFR 1633, so that's included
9 in there as well. The previous one, just to make it
10 easier, didn't include that. I don't expect the
11 outcome here to be any different.

12 But again I need to point out the health
13 care section specifically excludes, and there's
14 nothing in that section that says, there's nothing in
15 there that says the federal government requires
16 mattresses to meet, point number one.

17 Number two, I thought we had a code that was
18 an international code to be used throughout the
19 world, not just in the United States. So we're
20 giving a really bad impression that we're saying,
21 okay, it doesn't matter if the mattress and furniture
22 is not smolder resistant. Thank you.

23 MR. CLARY: Thank you.

24 Mr. Quiter?

25 JAMES QUITER: I'll again defer to Tom Jager

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1 speaking for the health care occupancy committee.

2 TOM JAGER: Tom Jager. Just one, the
3 committee voted unanimously to oppose this comment.

4 I have the same comments I had before except to
5 respond to the comment about international. The
6 committee never studied what the international
7 requirements were or the requirements in other
8 countries were when they put this in.

9 Basically in essence if you left this in you
10 would say to those foreign countries we expect you to
11 comply with the Consumer Product Safety Commission of
12 the United States. I think the foreign country issue
13 is a red hearing. Thank you.

14 MR. CLARY: Thank you.

15 Microphone number one.

16 TOM GARDNER: Tom Gardner, Schirmer
17 Engineering Corporation. I'm rising in opposition to
18 the motion.

19 Similar to what I said just a moment ago in
20 a previous motion, the health care section was going
21 to take a position on this. We thought it was going
22 to be split, therefore, we decided not to, decided
23 not to oppose it.

24 Something to remember also in health care
25 occupancies, unlike other sleeping occupancies like a

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1 hotel or just residential, these are staffed
2 facilities. So something that's smoldering is not
3 going to go unnoticed for very long. We had, you
4 know, a very important part of our health care
5 facility is staffed. So this is not unattended and
6 it's not going to smolder for very long. Again I
7 rise in opposition to the motion.

8 MR. CLARY: Thank you.

9 And microphone number one.

10 PHIL THOMAS: Phil Thomas representing the
11 American Health Care Association. We vote against
12 the motion.

13 MR. CLARY: Thank you. Okay. Thank you.
14 And way over there, microphone number six.

15 ALAN MCCARTNEY: Hello, my name is Alan
16 McCartney. I work for Liberty Mutual agency markets.
17 I'm representing myself here.

18 I hear a lot of talk about Consumer Product
19 Safety Commission and the capabilities of their
20 regulations being able to protect us in this
21 environment; however, I have much faith in those
22 regulations protection out children regarding lead as
23 I do the mattresses, so I'm in support of the
24 ensuring that those requirements are written into the
25 code.

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1 MR. CLARY: Okay. Thank you. Seeing no one
2 else at the mikes we'll proceed with the vote, and
3 the motion is again to accept comment 101-265 and
4 comment 101-280. All in favor of the motion please
5 signify by raising your hands.

6 Thank you.

7 Those opposed, same sign.

8 The motion fails.

9 Next is sequence 101-8. Mr. Pauls.

10 JAKE PAULS: Thank you. I'm Jake Pauls. My
11 company is Jake Pauls Consulting Services. I move to
12 accept comment 101-295.

13 MR. CLARY: Thank you. You are the
14 authorized maker of this motion. Do we have a
15 second?

16 UNIDENTIFIED MAN: Second.

17 MR. CLARY: Thank you. Mr. Pauls, please
18 proceed.

19 JAKE PAULS: Yes. And as you can see by my
20 logistics I've been busy trying to get a three minute
21 presentation of this, so much of the detail will have
22 to wait for the Standards Council.

23 Generally this is one of a few controversial
24 changes, two of which have already been adopted in
25 the code, which implements a single standard

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1 applicable to users of homes and other buildings.

2 There's no public health case for a double
3 standard, and indeed in 2000 the American Public
4 Health Association, APHA, adopted a resolution
5 related to this which also helped, incidentally,
6 support the recently adopted sprinkler requirement
7 for dwellings and an earlier change on stairstep
8 geometry.

9 Making this change now also recognizes the
10 growing needs of the aging increasing and less fit
11 population. Incidentally the APHA policy
12 specifically named NFPA as a code development
13 organization affected by its policy. And in interest
14 of full disclosure, that's the organization I
15 represent on a number of NFPA committees.

16 At the ROP stage the residential Technical
17 Committee action to accept in part in principle
18 failed to address the central objective of the
19 proposal and also failed to provide justification for
20 in affect rejecting the central objective as well as
21 the associated new annex note.

22 The central objective behind the proposal
23 and subsequent comment was the change in the
24 traditional formation to have a single step down or
25 occur immediately adjacent to a door discharging to

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1 the exterior. As the proponent I made clear that
2 this change is justified on safety grounds. That is
3 the very same grounds that implicitly support the
4 codes now established prohibition of a step down at a
5 doorway everywhere else but for dwellings.

6 From a fall prevention point of view as well
7 as from an egress escape effectiveness point of view,
8 a step down immediately at a door is a very bad idea
9 and there's much evidence on this. For example, the
10 code has always addressed defects that would retard
11 or otherwise endanger rapid egress in case of fire,
12 and for dwellings especially such egress or primary
13 means of escape should not entail known, predictable
14 and preventable dangers. I hope the lawyers are
15 listening to that.

16 Single steps, especially at doors, are known
17 dangers that the code quite rightly has dealt with
18 using special prohibitions or mitigation
19 requirements. Unfortunately this is one of the areas
20 where from a public health point of view the code is
21 irresponsibly inconsistent by not including dwellings
22 in its treatment of the dangers.

23 MR. CLARY: 30 seconds.

24 JAKE PAULS: Thank you. Now, if the
25 residential Technical Committee members truly believe

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1 that a step at exterior doors is completely
2 acceptable for new construction, then they hold views
3 incompatible with many in NFPA, including the means
4 of egress Technical Committee.

5 Now, trying to conceal a problem with such
6 situations whether in new or existing buildings by
7 rejecting a cautionary annex note is ethically
8 unacceptable from a public health perspective. I
9 can't put that more plainly. I urge your support of
10 the motion to accept comment 101-295. Thank you.

11 MR. CLARY: Thank you.

12 Mr. Quiter?

13 JAMES QUITER: I defer to Warren Bonage,
14 chair of the Residential Occupancies Committee.

15 WARREN BONAGE: Warren Bonage, Schirmer
16 Engineering, chair of residential, standing in
17 opposition to this.

18 The committee did discuss this in great
19 detail. Actually when they first started the
20 discussion, pretty much the whole proposal was
21 rejected. And we worked back and broke it into
22 parts, so as you notice if you look at the
23 parenthesis 1, 2 and 3, most of Jake's proposal was
24 actually worked through the committee and acceptable
25 to the committee.

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1 The only item was the issue with parenthesis
2 2 regarding, from the committee's perspective, the
3 snow at the door, the snow build-up at the door,
4 which I think Jake is indicating is the basis.

5 Also the annex note, we specifically told
6 Jake and Stan at the meeting what our concerns were
7 with that note. But as you can see in this proposal
8 coming back, there was no attempt to make an
9 adjustment to that annex note, and the committee did
10 give some good feedback on that annex note.

11 MR. CLARY: Thank you.

12 Microphone number three.

13 JIM LATHROP: Jim Lathrop, Koffel Associates
14 speaking for myself. I'm a member of the residential
15 committee.

16 Larry Brown from the National Association of
17 Homebuilders asked me to address the group because he
18 wasn't able to change his flight, to be blunt.

19 I've been supporting the Technical Committee
20 on this issue for quite a few years, as Jake keeps
21 bringing it back. Most of you look at your own home.
22 You step out the front door and there's quite often
23 the front platform, or whatever, landing is seven
24 inches below the door. It's not like a lot of other
25 places where people are not familiar with their

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1 surroundings. This is your own home. You know the
2 surroundings. You're used to that step at the door,
3 most of us are used to that.

4 And at least where I come from in New
5 England you can very easily get several inches of
6 snow built up before you can turn around and get it
7 cleared out. And I think it actually could cause us
8 problems rather than solve problems.

9 MR. CLARY: Thank you.

10 And Mr. Pauls.

11 JAKE PAULS: Yes, Jake Pauls, Jake Pauls
12 Consulting Services in rebuttal. I feel very
13 strongly of what I just heard, and the Standards
14 Council will hear of this in detail, when Mr. Bonage,
15 the chair, says the committee did discuss this in
16 great detail, he failed to mention that the question
17 was called and prevented any further discussion on
18 points which were central to the proposal, including
19 the issue of the snow problem and other things. So
20 there's a very serious process defect that occurred
21 at the first meeting, the ROP meeting.

22 When he claims that most of my proposal was
23 accepted, he misrepresents the fact that the central,
24 most important portion of it was not, and no valid
25 reason was provided for that at the ROP stage. They

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1 simply ignored it. And that again was the business
2 of cutting off debate.

3 And this is what I feel very strongly about:
4 They had two days for a meeting. They could have
5 discussed this. They went less than one day. I'm
6 really incensed when a committee basically shirks its
7 responsibility to have full and fair discussion of
8 something which has such huge public health
9 ramifications. Now I'm getting angry here, I'm
10 sorry.

11 I look at public health and ergonomic
12 issues, and this is clearly a no brainer why we have
13 this double standard. And for people to claim in
14 this day and age without any technical foundation
15 whatsoever that familiarity is the solution to this
16 is simply nonsense. From a scientific and technical
17 point of view there is no evidence. In fact, all the
18 evidence is to the contrary. People fall and are
19 injured in the very situations with which they are
20 most familiar, their homes.

21 Also the snow issue. Why is it that the
22 snow is intelligent enough not to bother out-swinging
23 doors, which are common in public buildings where
24 there is no step, and is a problem with standard
25 in-swinging doors for residential buildings where we

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1 require a step. Now, we can have a long discussion
2 about storm doors and screen doors, and I hope we
3 will. So the snow argument is a red hearing.

4 This deserves full and fair discussion.
5 It's a source of a real -- it's a real problem area,
6 and I will certainly vent more thoroughly and more
7 specifically and with a lot more detail when this
8 goes to the Standards Council. Thank you.

9 MR. CLARY: Thank you.

10 Microphone number one.

11 WARREN BONAGE: Warren Bonage, Schirmer
12 Engineering, chair of residential. The committee
13 spent a reasonable amount of time discussing this.
14 The committee did listen to a lot of testimony, and
15 the committee elected to call the question after no
16 new testimony or new information was being submitted.

17 The committee did not feel, I believe, that
18 they were hearing anything new and that any of the
19 positions was going to be changed by any of the
20 testimony.

21 The policies and procedures of NFPA as
22 verified by staff were followed in the reasonable
23 approach to listening to the proponents. So I think
24 the committee did very well in what they submitted.

25 MR. CLARY: Thank you.

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1 And number six.

2 PAUL COLEMAN: Paul Coleman, Providence
3 Health System, I called the question.

4 UNIDENTIFIED MAN: Second.

5 MR. CLARY: To call the question we have a
6 second. All in favor of the motion signify my
7 raising your hands.

8 Thank you.

9 And those opposed, same sign.

10 Motion carries. We'll now move on directly
11 to the vote, which is to accept comment 101-295. All
12 in favor signify by raising your hands.

13 Thank you.

14 All opposed, same sign.

15 The motion fails.

16 We'll move next to sequence 101-9 at
17 microphone number four.

18 CARL BALDASSARRA: Good morning. I'm Carl
19 Baldassarra from Schirmer Engineering Corporation and
20 I'm speaking in favor of motion 101-9 which is to
21 reject comment 101-338.

22 MR. CLARY: You are the authorized maker of
23 this motion. Do we have a second?

24 UNIDENTIFIED MAN: Second.

25 MR. CLARY: Thank you. Please proceed.

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1 CARL BALDASSARRA: If my motion is not
2 approved, the Life Safety Code will delete the
3 long-standing option for existing high-rise
4 residential buildings that permits the application of
5 an engineered life safety system developed by a
6 licensed and experienced design professional and will
7 mandate only the installation of automatic sprinklers
8 in such buildings.

9 The record shows that the Technical
10 Committee reversed itself between the ROP and the
11 ROC, which is certainly within the regulations of
12 course. However, what the TC failed to do was to
13 exempt previously approved existing buildings. This
14 is a substantial omission. I think the TC would
15 agree this was on oversight.

16 Please understand this is not an issue
17 surrounding the merits of automatic sprinkler
18 protection. Don't be confused with the suggestion
19 that there is no substitute for automatic sprinklers.
20 I absolutely agree. The current language allows an
21 alternative to sprinklers, not an equivalency.

22 It's also noted that business and mercantile
23 Technical Committee dealt with the very same issue
24 and rejected a similar proposal for business
25 buildings.

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1 More specifically if my motion fails,
2 hundreds of buildings that I know of personally in
3 Illinois and Florida, which use the Life Safety Code,
4 and many others which have undergone such evaluations
5 and which in good faith may have spent thousands or
6 even hundreds of thousands of dollars to implement
7 the alternative approach will now be told, hey,
8 thanks, good job, but now the law will require also
9 the installation of automatic sprinklers.

10 Ladies and gentlemen, this is inconsistent
11 with the long-standing practice of code development
12 for the existing building chapters of NFPA 101.
13 Whether or not we may like it, the political reality
14 in many states and cities is such that an alternative
15 for automatic sprinklers is necessary in existing
16 high-rise residential buildings in particular.

17 Without the current provisions, some
18 jurisdictions will amend the code and will then have
19 no criteria for a reasonable alternative. That would
20 be bad public policy and certainly bad fire safety.

21 I encourage the membership to support this
22 motion for rejection of comment 101-338 and return to
23 the 2006 language. Thank you.

24 MR. CLARY: Thank you.

25 Mr. Quiter.

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1 JAMES QUITER: I'll defer to Warren Bonage,
2 chairman of the Technical Committee on residential
3 occupancies.

4 MR. CLARY: Please proceed.

5 WARREN BONAGE: Warren Bonage, Schirmer
6 Engineering, chair of residential. I do recall on
7 the first time around we did initially reject the
8 proposal. When the TCC did submit the comment to
9 bring it back to the committee after a couple of
10 comments, I do not recall a specific conversation,
11 and maybe Ken or Jim can come to the mike and
12 specifically -- I don't recall that we specifically
13 talked about the retroactive impact on previously
14 approved existing buildings. I do not recall. I
15 checked with Greg on the committee and he doesn't
16 recall either so...

17 MR. CLARY: Thank you.

18 Microphone number three.

19 KEN ISMAN: Thank you. Ken Isman with the
20 National Fire Sprinkler Association, obviously rising
21 against the motion on the floor.

22 The language that the committee is striking
23 from chapter 31 allows a professional engineer to
24 state that some small amount of fire protection is an
25 acceptable alternative to fire protection. And as

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1 that language appears in the current version of the
2 code, and if this motion is successful it would go
3 back in the code, it causes some significant
4 problems, because the authorities having jurisdiction
5 then are mandated to buy that statement from the
6 professional engineer. There's no allowance in there
7 for the authority having jurisdiction to say, well, I
8 don't agree with this analysis that you did, or I
9 don't think you took the right aspects into account.

10 The authority having jurisdiction is
11 mandated to accept the statement from a professional
12 engineer. And believe it or not there are building
13 owners out there that will shop around an idea until
14 they find a professional engineer that will stamp and
15 seal something that may or may not be actually
16 sufficient protection.

17 So the committee did the right thing in
18 getting rid of this language. I understand the
19 concern about exempting previously approved buildings
20 that went through some evaluation procedure and that
21 process still exists. We're not taking out the
22 equivalency clause of the Life Safety Code. We're
23 not taking out the performance based clause of the
24 Life Safety Code, which still allows alternatives to
25 be evaluated by the authority having jurisdiction,

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1 and if the authority having jurisdiction has
2 previously approved an alternative to a sprinkler
3 system, there's no reason why that authority having
4 jurisdiction wouldn't continue to approve a
5 previously approved alternative to a sprinkler
6 system.

7 But what the committee needed to do was get
8 rid of language that was forcing the authorities
9 having jurisdiction to buy a statement by a
10 professional engineer that really may or may not have
11 had any significant basis in science or fact.

12 MR. CLARY: Thank you.

13 Microphone number four.

14 JIM LATHROP: Jim Lathrop, Koffel
15 Associates, member of the residential committee and
16 speaking for myself. I very, very reluctantly get up
17 here and support Carl, and not because of Carl,
18 because of the subject. Sorry, Carl. Because I'm
19 one of the ones that really helped push this through
20 the residential committee.

21 I think Carl has pointed out a fairly
22 significant flaw here that buildings that have gone
23 through this process in the past, if we can come up
24 with some previously approved plan or something like
25 that. The plan does require approval so the

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1 authority having jurisdiction can't reject it on
2 definition of approved.

3 I also think we need a more comprehensive
4 approach on this. We did it in residential but
5 mercantile and business didn't. And with the wide
6 open landscape of business occupancies I think
7 there's some disconnect there. I really encourage
8 that the TCC direct the mercantile and business
9 committee and residential committee to come up with a
10 comprehensive statement on sprinkler in existing
11 high-rise buildings and providing some way to handle
12 these that did get previously approved with an
13 engineered approach. Thank you.

14 MR. CLARY: Thank you.

15 Mr. Frable, do you wish to speak or not?

16 No, okay.

17 Microphone number four.

18 CARL BALDASSARRA: Carl Baldassarra,
19 Schirmer Engineering in favor of the motion.

20 Again I didn't want to get into a discussion
21 of the technical merits here of sprinklers. We all
22 know what they do. My boss is the chairman of the
23 sprinkler committee for 25 years. And he's looking
24 down, he's not looking down at me, he's looking at me
25 right now long distance.

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1 This is not a matter of small fire
2 protection. Look at the list on page 101-165 of the
3 issues. This needs to be approved. And there's been
4 no fire loss data or anything. Again the main issue
5 here is we've got previously approved buildings that
6 now would be noncompliant and that's not right.

7 MR. CLARY: Thank you.

8 And now Mr. Frable.

9 DAVE FRABLE: Now I'll speak. Dave Frable,
10 U.S. General Services Administration. And the only
11 reason I'm standing up to speak on this issue is
12 based on one of the proponent's statements that
13 building owners are going around the country trying
14 to get approvals of situations where they're trying to
15 not use sprinklers.

16 GSA is considered the landlord of civilian
17 federal government. We have over 1600 federally
18 owned buildings, 7,000 leased locations. As
19 Mr. Baldassarra said, we also encourage sprinklers in
20 all our facilities; however, there are some
21 situations where we need alternative. This will
22 allow us to have those alternatives.

23 Please also consider that building owners in
24 particular want their buildings sprinklered because
25 that allows for additional trade-offs. They

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1 typically do not try not to sprinkler buildings. So
2 we urge you to support Mr. Baldassarra's motion.
3 Thank you.

4 MR. CLARY: Thank you. Seeing no one else
5 at the mike, we'll proceed with the vote, and it is
6 to reject comment 101-338. All in favor of the
7 motion please signify by raising your hand.

8 Thank you.

9 Those opposed.

10 The motion passes.

11 We'll next move to sequence 101-10. Please
12 proceed.

13 FRED ROMKA: I'm Fred Romka, past chair,
14 president of Anchor, a national organization
15 representing people who are disabled and live in
16 various residential facilities.

17 MR. CLARY: Okay. First of all, the only
18 authorized maker of the motion is Cindy Mahan.

19 And I've just been informed that you are
20 duly authorized so please proceed.

21 FRED ROMKA: I move to reject, thank you,
22 reject comment 101-344A.

23 MR. CLARY: Thank you. Do we have a second?

24 UNIDENTIFIED MAN: Second.

25 MR. CLARY: Thank you. Please proceed.

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1 FRED ROMKA: If this provision is not
2 overturned, small board and care homes with eight or
3 fewer residents classified prompt that have been
4 converted from single family dwellings would now
5 require staff to be present whenever one or more of
6 the residents were in the home unless, unless the
7 home is retrofitted with sprinklers.

8 We believe the committee did not understand
9 the full implications of this provision when it was
10 accepted. Most of these small board and care
11 facilities are mom and pop operations or nonprofit
12 agencies that have little extra money and are usually
13 funded by government agencies using tax dollars which
14 are always limited.

15 Many of the people who live in these homes
16 have limited fixed incomes, such as SSI, which is
17 Title 19, so about \$550 per month. Most of these
18 people would be considered very poor.

19 Additionally, staffing as proposed under
20 this comment is very, very expensive, very expensive.
21 This compromise to add staff rather than sprinklers
22 is based on inaccurate suppositions. Proponents of
23 this change argue that since a code now requires new
24 one or two family dwellings to be sprinklered, we
25 must require all new small board and care facilities

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1 to be sprinklered as well.

2 On the surface this may appear to make
3 sense; however, this line of thinking overlooks one
4 major fact. Most small board and care homes are
5 conversions from family homes. Very few are newly
6 constructed, while a vast majority of the new one and
7 two family dwellings are newly constructed. To
8 compare the two is like comparing the proverbial
9 apples and oranges.

10 When the proposal to mandate sprinklers in
11 small, prompt, board and care with eight or fewer
12 residents once again failed in committee, the
13 mandated staff provision was seen as a compromise.
14 Unfortunately the committee did not foresee the
15 significant monetary impact and adverse operation
16 affecting of this mandate. We urge the support of
17 this -- we urge you to reject comment 101-344A.

18 MR. CLARY: Okay. Thank you.

19 Mr. Quiter.

20 JAMES QUITER: I defer to Ken Isman, who
21 will speak for the committee on board and care
22 facilities.

23 MR. CLARY: Mr. Isman.

24 KEN ISMAN: Thank you, my name is Ken Isman.
25 I'm a member of the Technical Committee on board and

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1 care facilities and we are opposed to the motion on
2 floor.

3 The concept of staff being present in order
4 to get away from the sprinkler requirement came out
5 of discussion that the board and care committee had
6 regarding the differences between single family
7 dwellings and board and care facilities, at least
8 small board and care facilities.

9 The Life Safety Code requires almost all
10 residential type occupancies, and I realize the
11 definition residential type occupancies isn't real
12 specific, but I'm basically talking about just about
13 everywhere where people sleep, they're all required
14 to be sprinklered at this point under the Life Safety
15 Code with some very small exceptions.

16 And the operators of board and care
17 facilities that were at the meeting and discussing
18 this with us were talking with us about what the
19 differences are between these small board and care
20 facilities and residential occupancies. And they
21 kept mentioning the fact that they have staff
22 present, that that was one of the reasons that they
23 felt they were different from one and two family
24 dwellings and therefore more deserving of the concept
25 of not having a sprinkler system.

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1 And all the committee said was, well, we
2 agree with you. That's a good point. You have staff
3 present. So if that's a fundamental assumption under
4 which you're going to say you don't need sprinklers,
5 then that needs to be written into the code
6 somewhere. If you're going to say we don't need
7 sprinklers because we have staff present, then that
8 should be recorded somewhere as a part of the
9 decision making process that goes into the factors
10 about whether you put a sprinkler system in or not.

11 So all the committee was trying to do was
12 capture the concepts that the operators of these
13 board and care facilities were bringing up during the
14 discussion of whether sprinklers were needed or not.

15 MR. CLARY: Thank you.

16 Microphone number four.

17 PHIL JOSE: Yes, Phil Jose, PR Jose &
18 Associates and current chair of the board and care
19 committee. I asked Mr. Isman to state the
20 committee's position so that there would be no
21 conflict with me speaking in support of this motion.

22 The committee did discuss this issue;
23 however, this concept of staff being present was only
24 one of many issues discussed, and it was not the
25 primary one. The issue before you deals only with a

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1 very specific category of board and care facility, a
2 small facility that is converted and a converted
3 existing structure housing a group of no more than
4 eight residents with a prompt evacuation capability.

5 Now, by definition prompt classification
6 requires that all occupants in the facility as a
7 group be able to move reliably to a point of safety,
8 normally to the outside, in a manner that is
9 equivalent to the capacity of a household in the
10 general population.

11 So, therefore, Ken's supposition that we, in
12 our discussion, insisted that staff be present for
13 this classification was not part of our discussion.
14 Not for small prompt. Based on the definition it
15 should be clear to the membership that this category
16 of residence does not require staff to be present at
17 all times.

18 The need for personal care services is
19 normally very minimal for this particular class of
20 residence. The committee clearly recognized this
21 distinction in that it once again voted to maintain
22 the sprinkler exception for this specific category of
23 facility, the conversions of existing houses with
24 eight or fewer residents rated prompt.

25 I would like to point out the significant

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1 fire safety protection features mandated in small
2 board and care that exceeds significantly one and two
3 family dwellings. We require six fire drills per
4 year, two at night while residents are sleeping. All
5 residents must participate in all the drills, and all
6 means of escape must be used during the drills or
7 they may not be counted. Unlike one and two family
8 dwellings when sleeping rooms and living areas are
9 above or below the level of exit discharge, the
10 primary means of escape must be enclosed, not like
11 the open stair in one and two family dwelling, or it
12 must be an exterior stair, a horizontal exit or a
13 fire escape.

14 If exterior stairs are used they must be
15 protected against blockage by fire from within the
16 building. Unlike one and two family dwellings,
17 dwellings in unsprinklered buildings all vertical
18 openings must be protected with half hour smoke
19 partitions. Any space having a fuel condition
20 exceeding that of a one and two family dwelling must
21 be protected as a hazardous area with either one half
22 or one hour protection or must be sprinklered
23 depending on its proximity to sleeping areas or
24 escape routes. We need an NFPA 72 --

25 MR. CLARY: Please come to conclusion.

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1 FRED ROMKA: I'm sorry?

2 MR. CLARY: Please come to a conclusion.

3 FRED ROMKA: We need an NFPA 72 fire alarm
4 system. Bottom line, we require a significant
5 package of protection that the committee has long
6 considered to be an acceptable level of protection
7 and I encourage you to support this motion.

8 MR. CLARY: Thank you.

9 Microphone number two.

10 CINDY MAHAN: My name is Cindy Mahan and I
11 represent the users or the consumers who are affected
12 by this amendment. I'm in favor of the motion to
13 reject, and I'm a member of the technical board and
14 care committee.

15 I represent about 250,000 people who are
16 mentally retarded, who are autistic, who have
17 epilepsy or cerebral palsy. My history is that I've
18 been working with this group for close to 30 years.
19 And our people live in the community. And our people
20 go to church. We shop. We recreate. And many of us
21 drive vehicles. We date and we marry and we even run
22 marathons.

23 The people that I serve are people that bus
24 your tables. We carry your luggage. You see us
25 integrated into the community. These people have a

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1 new funding source called money follows the person.
2 That money follows the person in the community from
3 institutions. And that's exactly where they belong.

4 This money gives them the revenue to assure
5 them the helper care in the community, but not 24
6 hour care. Some of our people need one hour a day of
7 care, and they do not need 24 hour oversight as
8 Mr. Isman mentioned in his understanding of the
9 proposal.

10 Now, I would like to address the amendment
11 to the code. It is unnecessary and it will create
12 issues in leasing homes for four to eight people that
13 live together. Most likely these people live
14 together because they can't afford to live on their
15 own. They're no different than the college student
16 or single mom. They cannot, the people that they
17 lease from or their house parents cannot afford to
18 sprinkle any of these existing homes.

19 They also will not have staff present all
20 the time because their plans of care do not require
21 it to be there. Many of the homes that these people
22 live in, the payment would be approximately \$550 a
23 person, which is their social security. That gives
24 you about 22 to \$2400 a month. They're essentially
25 paying only for the house manager. The expenses for

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1 leasing might be \$1200 for lease, 600 for utilities,
2 garbage pick-up, vehicle, clothing. So it's already
3 going to cost \$2600 just to be able to live as a
4 group in a home.

5 MR. CLARY: Please begin to conclude please.

6 CINDY MAHAN: We as providers would not put
7 people in unsafe settings as Phil explained.
8 Rejecting this amendment is necessary to assure that
9 we continue, that these people continue to live in
10 the community in regular homes and not require staff
11 present. These living arrangements are already small
12 prompt board and care homes. Thank you.

13 MR. CLARY: Thank you.

14 Microphone number four.

15 DAVID KLEIN: My name is David Klein with
16 the Department of Veterans Affairs representing
17 myself and speaking in support of the motion.

18 In the substantiation for this code change
19 request no statistical --

20 MR. CLARY: Please speak with the
21 microphone.

22 DAVID KLEIN: Do you want me to repeat the
23 whole thing?

24 MR. CLARY: If you could please.

25 DAVID KLEIN: My name is David Klein with

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1 the Department of Veterans Affairs representing
2 myself and speaking in support of the motion.

3 In the substantiation no statistical fire
4 incident data were provided to indicate the
5 facilities meeting the present code requirements are
6 unsafe. This code change would result in a
7 significant financial burden on facility owners that
8 is not justified by fire data. I urge support of the
9 motion. Thank you.

10 MR. CLARY: Thank you.

11 Mr. Quiter?

12 JAMES QUITER: No further comment.

13 MR. CLARY: With that we'll move to the
14 vote, which is to reject comment 101-344A. All in
15 favor of the motion please signify by raising your
16 hands.

17 Thank you.

18 All opposed, same sign.

19 The motion passes.

20 We will next move to sequence 101-11. And
21 microphone number four.

22 LARRY PERRY: Larry Perry, Building Owners
23 and Managers Association, recently given authorized
24 rep for Rick Thornberry.

25 MR. CLARY: We have received that

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1 authorization.

2 LARRY PERRY: Therefore I would like to move
3 to return a portion of the report in the form of
4 proposal 101-409 and comment 101-358.

5 MR. CLARY: Thank you. Do we have a second?

6 UNIDENTIFIED MAN: Second.

7 MR. CLARY: Thank you. Mr. Perry, please
8 proceed.

9 LARRY PERRY: I'd like to yield to the
10 chairman of the American Business Committee, Ken
11 Bush.

12 MR. CLARY: Thank you.

13 Mr. Bush?

14 KEN BUSH: Ken Bush, Maryland State Fire
15 Marshals Office as chair of the Mercantile Business
16 Technical Committee.

17 During the ROP process the Technical
18 Committee accepted specialized requirements for the
19 arrangement of means of egress from both merchandise
20 and retail buildings and a specific section dealing
21 with main entrance to regulate the code to those
22 buildings.

23 The Technical Committee later realized that
24 these requirements were already imposed by actions
25 that were taken in the base part of that chapter and

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1 that these were no longer needed. During the ROC
2 process the change was made for existing, I'm sorry,
3 for new buildings but not made for existing. What
4 this change does is impose those requirements for
5 existing as well and corrects and oversight in the
6 code. So we speak in favor of the motion.

7 MR. CLARY: Thank you.

8 Mr. Quiter?

9 JAMES QUITER: No further comment.

10 MR. CLARY: Thank you. And seeing no one
11 else at the mike we'll proceed to the vote, which is
12 to return a portion of the report in the form of
13 proposal 101-409 and comment 101-358. All in favor
14 of the motion please signify by raising your hands.

15 Thank you.

16 Those opposed, same sign.

17 The motion passes.

18 Next is sequence 101-12. Let Dr. Hirschler
19 get set up here. Please proceed.

20 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
21 International and I move to accept comment 101-360.

22 MR. CLARY: Thank you. You are the
23 authorized person to make this motion. Do we have a
24 second?

25 UNIDENTIFIED MAN: Second.

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1 MR. CLARY: Thank you. Please proceed.

2 Marcelo HIRSCHLER: Okay. What this does is
3 incorporate the requirements for fire safety of
4 upholstered furniture and mattresses into the
5 mercantile occupancy.

6 It's very interesting to me that we have an
7 example that areas where furniture and mattresses are
8 sold can have very, very severe fire losses, and
9 we've seen the example of the infamous fire in
10 Charleston, South Carolina which caused the deaths of
11 nine firefighters. As a result of that fire, the
12 retailers of furniture came and said to the
13 International Fire Code that every place that sells
14 furniture, even if it's a single item of furniture,
15 that place should be sprinklered, or the alternative
16 of course is to have fire safe furniture.

17 It is also interesting to me that this
18 section talks about the requirements of 10.3 shall
19 not apply to upholstered furniture, mattresses in
20 these occupancies. So they specifically want to be
21 excluded from having fire safe furniture and
22 mattresses. I think that's -- I find that very
23 disturbing.

24 Finally, I was very interested in the
25 comment from the committee saying that the term newly

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1 introduced was unknown to them and they didn't
2 understand what it meant, and yet it is contained in
3 the Life Safety Code 21 times, and it has been
4 contained for mean years. So I urge approval of this
5 motion. Thank you.

6 MR. CLARY: Thank you.

7 Mr. Quiter?

8 JAMES QUITER: I defer to Ken Bush, chairman
9 of the Technical Committee on mercantile and business
10 occupancies.

11 MR. CLARY: Mr. Bush.

12 KEN BUSH: Ken Bush, Maryland State Fire
13 Marshals office, chair of the Mercantile Business
14 Technical Committee speaking in opposition to the
15 motion.

16 The Technical Committee feels that this
17 requirement is misplaced in this particular chapter
18 of the code. As the committee statement suggests
19 this change could introduce a number of undesirable
20 implications that far exceed the original intent,
21 especially in existing buildings.

22 The term newly existing is understood and
23 it's understood that it could impose severe
24 restrictions on simple moves or relocation of
25 furniture. Some other examples may include stores

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1 that sell antiques or consignment shops where the
2 movement of furniture would impose this particular
3 requirement.

4 The argument here is based largely on one
5 incident that took place in a structure that involved
6 many other instances other than just, and
7 circumstances other than just the regulation of the
8 furnishings inside the building. There's a number of
9 fire death statistics that were not shown to occur in
10 mercantile occupancies, and without specific
11 reference to that occupancy type, no clear picture
12 can be established when these materials weren't
13 regulation. As a problem with fire deaths in
14 mercantile occupancies had been established were they
15 occurring in other occupancy classifications,
16 particularly residential.

17 In conclusion, the Technical Committee
18 understands that persons associated with fatal fires
19 involving mattresses and upholstered furniture were
20 more likely sleeping or sitting on them, not buying
21 them.

22 MR. CLARY: Thank you.

23 Microphone number one.

24 JESSE BEITEL: Thank you, Jesse Beitel,
25 Hughes Associates representing the American Home

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1 Furnishings Association and National Home Furnishings
2 Association on this issue and we speak against the
3 motion on the floor.

4 I'd like to clarify a couple of statements
5 that Marcelo made. First of all, we did propose into
6 the ICC fire code the restriction that retail or
7 mercantile stores use for display and sale of
8 upholstered furniture would require sprinklers. That
9 was submitted not because of the Charleston fire, it
10 was submitted and that discussion was done even prior
11 to the Charleston fire occurring.

12 There have been some fires in upholstered
13 furniture retail stores throughout the U.S., several
14 of them, in unsprinklered facilities. And so the
15 industry themselves, just from a property point of
16 view, requested that we consider that code change and
17 that has been submitted to ICC, and at least in the
18 first step has been accepted.

19 However, at the same point in time
20 mercantile occupancies also have an excellent fire
21 record with respect to upholstered furniture. We
22 just have the upholstered furniture being used for
23 seating or whatever in the office space, whatever.
24 Those things have an excellent fire record and we
25 don't see that this should be, that they should be

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1 regulated under this proposed change.

2 Basically what Marcelo is trying to do in
3 change and in about three or four of the following
4 changes is a backhanded way to try to regulate the
5 furniture manufacturers to change the way they
6 manufacture furniture by requiring them that you can
7 only sell this type of furniture into all the other
8 types of occupancies, which have various and
9 appropriate excellent fire records without any
10 justification from making that change.

11 I agree with some of the committee's
12 comments because we are now in occupancies where I'm
13 not sure how people are going to control the
14 introduction of furniture, the leaseholder, the
15 renter of the space is going to be able to do that.
16 The building owner does not have the capability of
17 being able to regulate that type of stuff, and I'm
18 not sure that the fire department is going to be
19 walking through these buildings every six months
20 looking at furniture tags. Thank you.

21 MR. CLARY: Thank you. Seeing no rebuttal
22 so we'll move directly to the vote, which is to
23 accept comment 101-360. All in favor of the motion
24 signify by raising your hand.

25 Thank you.

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1 Those opposed, same sign.

2 The motion fails.

3 We will next go to sequence 101-13.

4 Microphone number four.

5 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
6 International. This is identical to the previous one
7 and I'm not going to, except that this addresses
8 business occupancies as opposed to mercantile
9 occupancies.

10 MR. CLARY: You need to make the motion
11 first.

12 Marcelo HIRSCHLER: Excuse me, I move to
13 accept comment 101-367, excuse me.

14 MR. CLARY: Thank you. Do we have a second?

15 UNIDENTIFIED MAN: Second.

16 MR. CLARY: Thank you. Please proceed.

17 Marcelo HIRSCHLER: Thank you. Marcelo
18 Hirschler, GBH International. This motion is pretty
19 identical to the one in the previous action
20 addressing business occupancies.

21 Again I find it absolutely abhorrent that
22 several of these occupancies, business, mercantile,
23 industrial and storage specifically saying that the
24 requirements of chapter 10 don't apply to us.
25 Nothing that chapter 10 has said about the fire

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1 safety furniture doesn't matter, we don't care.

2 Thank you.

3 MR. CLARY: Thank you.

4 Mr. Quiter?

5 JAMES QUITER: I'll again defer to Mr. Bush,
6 chairman of mercantile and business.

7 MR. CLARY: Mr. Bush.

8 KEN BUSH: Ken Bush, Maryland State Fire
9 Marshals Office, chair of Mercantile Business
10 Technical Committee.

11 Many of the same statements we made for the
12 mercantile occupancies also apply to business but in
13 addition the substantiation that is supplied with
14 this proposal applies mainly to an occupancy which
15 does not occur here, it refers back to a mercantile
16 fire, and this is a business occupancy type.

17 Some of the materials intended for
18 regulation by this proposal, such as the mattresses,
19 are rarely found in business occupancies, and
20 therefore doesn't apply. So further consideration of
21 specific materials and locations of the regulated
22 material should be made prior to the submission of
23 such a generalized requirement to this chapter.

24 MR. CLARY: Thank you.

25 Microphone number one.

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1 JESSE BEITEL: Jesse Beitel, Hughes
2 Associates representing American Home Furnishings
3 Association and National Home Furnishings
4 Association.

5 Many of the arguments which we've already
6 discussed and laid on the floor apply to this and the
7 next two, so to save time I speak against the motion,
8 this one and the next two motions on the same topic.
9 I don't feel that there has been any justification
10 shown to require these types of regulations on
11 furniture in these types of occupancies. Thank you.

12 MR. CLARY: Thank you. And seeing no one
13 else at the mikes we'll proceed to the vote, which is
14 to accept comment 101-367. All in favor of the
15 motion please signify by raising your hand.

16 Thank you.

17 Those opposed, same sign.

18 The motion fails.

19 As a favor to the chair, those that are
20 seconding, please don't be shy, please get that
21 second out.

22 At that we'll move on to the next item,
23 sequence 101-14. Microphone number four.

24 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
25 International and I move to accept comment 101-377.

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1 MR. CLARY: Thank you. Do we have a second?

2 UNIDENTIFIED MAN: Second.

3 MR. CLARY: I heard that. Please proceed.

4 Marcelo HIRSCHLER: Thank you. Again I'm
5 not going to go into this. This is the same for
6 another occupancy, another one of these occupancies
7 that chooses to have a statement in there. The
8 requirements of fire safety furniture don't apply to
9 us.

10 MR. CLARY: Thank you.

11 Mr. Quiter?

12 JAMES QUITER: I'll defer to Wayne Holmes,
13 chairman of the Technical Committee on Industrial,
14 Storage and Miscellaneous occupancies.

15 MR. CLARY: Mr. Holmes.

16 WAYNE HOLMES: Wayne Holmes, HSP
17 Professional Loss Control, chairman of Industrial,
18 Storage and Miscellaneous occupancies Technical
19 Committee.

20 Just to be very brief, we took the same
21 approach that was taken by the business and
22 mercantile. And I would add that just for the
23 information the substantiation that was presented
24 made reference to the Charleston furniture store
25 fire. Just recently both NIOSH and the City of

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1 Charleston published their report, extensive reports
2 on that fire. They made extensive recommendations
3 having to do with a lot of different issues: Water
4 supply, lack of sprinklers, lack of training.
5 Nowhere in that report was there any mention of the
6 ratings or testing of the furniture. So the
7 substantiation really doesn't apply in this case.

8 MR. CLARY: Thank you.

9 And microphone number four.

10 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
11 International. I just need to rebut that last point.
12 And I have read the entire report issued by the City
13 of Charleston and it says very clearly one of the key
14 issues why this was a tremendous tragedy was because
15 of the unusual nature of the fire and tremendous
16 amount of heat released and the tremendous amount of
17 smoke released by the furniture. It goes on and
18 quite detailed.

19 The recommendations of the report are,
20 number one, based on the fact that the report was
21 issued so as to discuss the activities of the fire
22 department. So since what the fire characteristic of
23 furniture is not related to activities of the fire
24 department, that's why there's no recommendations on
25 that.

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1 But there is recommendations that codes
2 shall be, that there should be a lot more compliance
3 with codes than there is. And it discusses
4 throughout the document, and I have highlighted a
5 number of things and I can send them to Mr. Homes if
6 he's unaware of them, where they discuss the problem
7 of the severe heat and smoke from the furniture and
8 the very unusual and severe nature of the fire.
9 Thank you.

10 MR. CLARY: Thank you. Seeing no one else
11 at the mikes we'll proceed to the vote, which is to
12 accept comment 101-377. All in favor of the motion
13 please signify by raising your hands.

14 Thank you.

15 Those opposed, same sign.

16 The motion fails.

17 Our next item will be sequence 101-15.

18 Microphone number four.

19 Marcelo HIRSCHLER: Marcelo Hirschler, GBH
20 International and I move to accept comment 101-381.

21 MR. CLARY: Thank you. Do we have a second?

22 UNIDENTIFIED MAN: Second.

23 MR. CLARY: Thank you. Please proceed.

24 Marcelo HIRSCHLER: Same issue, the final
25 time this is being brought up. I'm not going to

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1 repeat the issues.

2 MR. CLARY: Thank you.

3 Mr. Quiter?

4 JAMES QUITER: I'll again defer to Wayne
5 Holmes.

6 MR. CLARY: Mr. Holmes.

7 WAYNE HOLMES: Wayne Holmes, HSP
8 Professional Loss Control, chairman of Industrial,
9 Storage and Miscellaneous Occupancies. We stand
10 behind the action that we have taken.

11 I would add that in this particular case
12 with storage occupancies the issue of newly
13 introduced furnishings was particularly difficult to
14 deal with in that of the change that was requested
15 would require that upholstered furniture such as
16 antiques and other materials that might be in
17 storage that may have been manufactured prior to any
18 of these test requirements being in place would now
19 be not allowed under the code, so we felt that it was
20 inappropriate.

21 MR. CLARY: Thank you. Not seeing him
22 moving to the mike so we'll directly to the vote,
23 which to is accept comment 101-381. All in favor
24 signify by raising your hand.

25 Thank you.

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1 Those opposed, same sign.

2 The motion fails.

3 We next move to sequence 101-16.

4 Mr. Frable.

5 DAVE FRABLE: Dave Frable representing U.S.
6 Services Administration. I will be speaking in
7 support of the motion on the floor to accept
8 identifiable parts in comment 101-17, associated
9 comment 101-400A, renumbered section in new appendix
10 B such that the specific associated section in the
11 new annex B are revised.

12 MR. CLARY: Thank you. Do we have a second?

13 UNIDENTIFIED MAN: Second.

14 MR. CLARY: Thank you. Please proceed.

15 DAVE FRABLE: This is a sister proposal to
16 NFPA 5000-137 which the membership has passed. Based
17 on the previous testimony, I'll stand on that. I
18 urge the membership to support the motion and accept
19 all identifiable parts we have identified in 101-117.
20 Thank you.

21 MR. CLARY: Thank you.

22 Mr. Quiter?

23 JAMES QUITER: I'll defer to Jim Lathrop,
24 chairman of the Technical Committee on means of
25 egress.

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1 MR. CLARY: Mr. Lathrop.

2 JIM LATHROP: Jim Lathrop, Koffel
3 Associates, chair of means of egress.

4 Same comments I made before. One of the
5 biggest problems I see with these amendments is,
6 first of all, we've got to remember that these
7 elevators, this is a new subject, we wanted them in
8 the two hour enclosure, and I was kind of hoping he
9 was going to record into the record some correction
10 because, as I pointed out under 101, one of the
11 paragraphs that's being amended here will reduce the
12 enclosure of the elevator hoistway.

13 If I decide to use these elevators for
14 evacuation, now it will have to be one hour rated.
15 If I don't use it for evacuation it needs to be two
16 hour rated. And I'm hoping that at least hoping that
17 maybe Dave follows that through with the Standards
18 Council.

19 MR. CLARY: Thank you. Seeing no one else
20 at the mike we'll proceed to the vote, which is to
21 accept identifiable part of comment 101-117. The
22 identifiable parts are 7.14.7.2(1), 7.14.7.2(2),
23 7.14.8.1.2 exception 7.14.8.4(2) and 7.14.8.7(1) as
24 indicated in the comment recommendations. Those in
25 favor of the motion signify by raising your hands.

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1 Thank you.

2 Those opposed, same sign.

3 We're spread out. Let's try this again just
4 by -- we're going to do a standing count just for me.
5 Those in favor just stand up for a second, just
6 stand, stretch. You got to stretch anyway.

7 Okay. Thank you. You can sit.

8 And those opposed to the motion do the same.

9 Much better. The motion passes.

10 Next is sequence 101-17. Mr. Frable.

11 Just an indication that that motion is not
12 being pursued, so next we move, don't have to run,
13 take your time. Okay, our last agenda item is
14 sequence 101-18. Mr. Pauls.

15 JAKE PAULS: Jake Pauls with Jake Pauls
16 Consulting Services. I move to return comment
17 101-401B and associated proposal 101-166A.

18 MR. CLARY: Thank you. Do we have a second?

19 UNIDENTIFIED MAN: Second.

20 MR. CLARY: Thank you. Mr. Pauls, please
21 proceed.

22 JAKE PAULS: Not wishing to stand between
23 anyone and their glass of milk of amnesia, I will
24 defer to my prior comments in relation to the return
25 of comment 5000-308B and proposal 5000-135A. Thank

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1 you.

2 MR. CLARY: Thank you.

3 Mr. Quiter?

4 JAMES QUITER: I'll defer to Jim Lathrop one
5 last time.

6 MR. CLARY: Mr. Lathrop.

7 JIM LATHROP: Jim Lathrop, Koffel
8 Associates, chair of means of egress. Also in the
9 interest of brevity this is the exact same issue that
10 we just talked about in 5000.

11 MR. CLARY: I'm all for brevity. Microphone
12 number three.

13 DAVE DEVRIES: Dave Devries, Fire Tech
14 Engineering representing the Safe Evacuation
15 Coalition. I'll endorse that brevity position and
16 just say that this is the same issue that he voted on
17 rejecting the motion on the floor previously in 5000
18 regarding supplemental evacuation equipment.

19 By rejecting this motion you will give a
20 tool to the AHJ to prohibit the installation of
21 unsafe supplemental evacuation equipment. Thank you.

22 MR. CLARY: Okay. Thank you. Seeing no one
23 else at the mikes we'll proceed to vote on the
24 motion, with is to return comment 101-401B and
25 associated proposal 101-166A. All in favor of the

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1 motion please signify by raising your hands.

2 Thank you.

3 Those opposed, same sign.

4 The motion fails.

5 Mr. Quiter, thank you very much.

6 This concludes the 2008 Annual Association
7 Technical Meeting and I now declare it closed. We'll
8 see you all in Chicago next year.

9 (Thereupon the proceedings
10 were concluded at 12:42 p.m.)

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1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA)

3 SS:

4 COUNTY OF CLARK.)

5 I, Deborah Ann Hines, certified court
6 reporter, do hereby certify that I took down in
7 shorthand (Stenotype) all of the proceedings had in
8 the before-entitled matter at the time and place
9 indicated; and that thereafter said shorthand notes
10 were transcribed into typewriting at and under my
11 direction and supervision and the foregoing
12 transcript constitutes a full, true and accurate
13 record of the proceedings had.

14 IN WITNESS WHEREOF, I have hereunto affixed
15 my hand this _____ day of _____, 2008.

16

17

18

19 _____
Deborah Ann Hines, CCR #473, RPR

20

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