

MEMORANDUM

TO: MEMBERS OF THE CODE COUNCIL

FROM: Miriam McGiver, PE

DATE: April 28, 2014

SUBJECT: Enclosed are individual comments regarding residential fire suppression sprinklers in the next code update by New York State. While every attempt was made to preserve the formatting in which the message was sent, in some cases the formatting may have changed.

Messages of 2014 in support of residential sprinkler proposal

1. Andrew W. Chanler, Chief of fire department
2. Timothy S. Cowan, Fire Marshal
3. Stephen C. Erb, Captain (ret.) of fire department
4. Dominick Kasmauskas, NFSA
5. Rich Magee, Assistant Chief Fire Marshal
6. Richard Mercer, volunteer firefighter and past fire marshal
7. Thomas J. Rinaldi, Association of Fire Districts of New York State
8. Mandy Sligh, volunteer firefighter
9. Timothy P. Travers, NFPA
10. John Viniello, former president NFSA

Additional proponent messages in support of mandate from 2013 which were sent again in 2014

11. Dominick Kasmauskas, NFSA
12. Chief Spinelli, Fire chief

Messages of 2014 opposed to residential sprinkler proposal

1. Kemp Anderson, firefighter
2. Gary Dean, homeowner
3. Michael Durant, National Federation of Independent Business New York
4. Patrick Evans, Thousand Island Area Habitat for Humanity
5. Brooke Greenhouse, Cayuga Country Homes, Inc
6. Patrick Gullivan, Habitat
7. Ispicer (not included – no text)
8. Michael Kelly, NYS Association of Realtors
9. Philip LaRocque, business owner
10. Manionel, no further identification
11. Donald Marx, two messages, builder and homeowner
12. Philip Nanula, builder
13. Eric Pierce, FASNY
14. Steven Rieger, builder and business owner
15. Brian Sampson, Unshackle Upstate
16. Salvatore Sciuga, sent 2013 and resent in March, 2014, builder and business owner
17. Todd Stewart, builder and business owner

Proponent message 1



GENESEO FIRE DEPT. GENESEO, NY 14454

PHONES

Emergencies: 911
Fire Headquarters: (585) 213-1200
Fax: (585) 213-1279
Post Office Box: 428

Mr. Mark Blanke
Mark.Blanke@dos.ny.gov
New York State Department of State
Division of Building Standards and Codes

Re: Support of Residential Sprinklers in New Construction

February 25, 2014

Dear Mr. Blanke,

Please consider our department in support of requiring sprinklers in new residential, one and two family homes.

With new lightweight construction techniques and applications, fires now burn hotter and travel more rapidly. With the application of sprinklers, LIFE SAFETY is enhanced for all dwelling occupants. It is also a known fact sprinklers limit fire damage and save property.

In the last two months our department has encountered one incident where a sprinkler extinguished a fire in a commercial building. At the same time our members have installed more than 10 smoke detectors in homes where there were either none present, or there were an insufficient number of detectors for the dwelling. My point is that sprinklers do work and many people have become complacent regarding smoke detectors. Again, sprinklers in all new buildings is a great step in overall fire safety.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew W. Chanler".

Andrew W. Chanler
Chief

Proponent message 2

City of Oneida Fire Department
Fire Marshal's Office
109 North Main Street
Oneida, NY 13421
315-363-1910

February 26, 2014

Mr. Mark Blanke

Mark.Blanke@dos.ny.gov

New York State Department of State
Division of Building Standards and Codes
99 Washington Avenue – Suite 1160
Albany, NY 12231

Re: Support of Residential Sprinklers in New Construction

Mr. Blanke:

Soon, the NYS Fire Prevention and Building Code Council will be discussing fire sprinkler requirements in newly constructed one and two-family dwellings. This is not a new proposal for New York State but the time is NOW to make sure that fire sprinklers are required in one and two-family dwellings.

The City of Oneida Fire Marshal's Office strongly supports this type of life safety device. Today's fires are burning faster and hotter than ever before. Through recent studies conducted by Underwriters Laboratory (UL) and National Institute of Standards and Technology (NIST) flashover in fires are happening in 3-5 minutes compared to 20 minutes or more with legacy style furnishings.

Fire sprinklers are the affordable option to help save firefighter and civilian lives. I urge you and other committee members to make this change and advocate for saving lives.

If you have any questions or would like to discuss this matter further, please feel free to contact me anytime.

Sincerely,

Timothy S. Cowan
Fire Marshal

Proponent message 3

Steve Erb


February 25, 2014

Dear Mark Blanke:

Mark.Blanke@dos.ny.gov

New York State Department of State
Division of Building Standards and Codes

Re: Support of Residential Sprinklers in New Construction

I was fortunate to be present at the NFPA Conference in San Diego when the original 13D Standard was enacted. The controversy at that time was over which should come first, the standard equipment design, or to develop the construction technology for the code to regulate. A chicken and egg debate.

Fortunately the standard passed, including construction design and performance parameters. Now all the players had the same rules for system design, hardware and installation and code compliance standards.

Since then the nature of building fire has changed. In the almost 30 years since the adoption of 13D and 13R, the very nature of fire has changed.

Recent testing by national laboratories using real world scenarios have shown that the fires encountered in the 21st century are far worse than in the interim period.

Under pressure from owners and contractors, newer residential construction is now permitted to be three stories, rather than the limit to two stories found in earlier versions of building codes.

In an on-going effort to reduce the cost of construction there has been the almost universal use of smaller dimension wooden structural members and unprotected steel. The use of trusses with stamped metal gusset plates, light weight floor beams made of pressed and glued particle board and open floor plan design combine to make the building today actually part of the fuel load for a fire.

The furnishings used produce significantly more heat than legacy materials. This fact is now changing how firefighters sizeup a building and radically alter fire attack tactics. There is a change in attitude toward these buildings so they are increasingly seen as disposable, and absent a viable life hazard, fires will be fought from the outside. Roof ventilation, by cutting holes to release super heated smoke, will no longer be the norm thereby reducing the chances for a trapped occupant or child in need of rescue.

The design and installation of residential sprinklers is no more complex than for the normal building plumbing system.

For a perspective, consider that the cost of carpets and drapes will more expensive than the installation of residential sprinklers. The individual sprinkler heads are no more intrusive than a thermostat or smoke detector. What is more, only the building areas actually occupied will have sprinkler coverage.

Residential sprinklers are based around life safety. The design anticipates activation of the device only in the immediate area of a fire; the sprinkler head reacts only to the heat of a fire. Most importantly, the system is designed to maintain a tenable environment in the room of fire origin. This allows anyone asleep or incapacitated to be protected from the consequences of a fire.

The common view of sprinkler systems is, unfortunately, based on images from Hollywood and involving protection for commercial buildings and contents. These systems were often installed not to necessarily comply with codes, but to protect the financial investment of insurance companies. Any life safety benefit was secondary. Still, there has never been a multiple death fire in a building with a working sprinkler system (despite the occupancy or fire load).

Compare this to residential sprinklers. Here the primary purpose is singularly designed for life safety. Any collateral protect for the structure is wonderful side benefit.

Lastly, the residential sprinkler will catch a growing fire in its early stages, before it involves the structural components, regardless of the building size or construction materials.

I understand the opponent's arguments about affordability and profit margin. Yet, I also understand that fire related deaths are most likely to occur right in a person's home. A space in which they feel safe, and yet are in the most danger from fire.

Thank you for your consideration,

Captain Stephen C. Erb, Rochester, NY Fire Department (ret).

Sincerely,

Steve Erb


Proponent message 4



National Fire Sprinkler Association, Inc. (NFSA) NY Regional Office

Dominick G. Kasmauskas CFPS
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Kasmauskas@NFSA.org

New York State Fire Prevention and Building Code Council
99 Washington Avenue
1 Commerce Plaza
Albany, New York 12231

27 FEB 14

RE: Residential Fire Sprinklers and the Next RCNYS

Honorable Members of the Council,

Thank you for your continued time and attention to this important Life Safety issue. As some of you may know, I started in the fire service in 1974 and have worked in the life safety and fire protection industry as well for near 30 years. I serve on NFPA, ICC, and AWWA committees. This subject of fire safety is near and dear to me having seen so much fire tragedy, most of it avoidable.

Old inaccuracies are being resurrected and you should be aware of them. As an example of what I am addressing, one used recently in Minnesota; Opponents continually incorrectly cite a 2008 NFPA report on smoke alarms. One section shows us to have a "99.45% chance of surviving a fire with smoke detectors" in our homes. But what is interestingly not included is that we have "a 98.87% of surviving when no smoke detectors are present". The NFPA has gone as far as issuing a letter to stop using NFPA reports unless using the data properly and in entirety.

Please, I ask each of you individually and collectively investigate the facts about the affect of fire sprinkler requirements and investigate the conjecture and suppositions, although the majority has already proven untrue. The information coming from CA's and MD's statewide adoptions is where you will find the truths including on their own Builders' Assn web sites. Many areas around the country including communities right here in New York going back almost 30 years have proven the speculation and rhetoric of "doom and gloom" to the home building industry as false.

As noted in December in anticipation of this meeting, I strongly encouraged you to visit www.HomeFireSprinkler.org. The Home Fire Sprinkler Coalition is a partially FEMA granted 501(c)6 and is an educational coalition, not a political or trade group. The facts are there. To debate residential fire sprinklers intelligently we must utilize the information there as well as the facts coming from CA and MD.

Thirty-seven people have died in residential fires in New York since 01 Jan. Please let's work towards the elimination of fire deaths in the state of New York by addressing the facts.

Thank you again for your time and research on this subject. Please feel free to contact me with any questions at any time.

Most sincerely,

Dominick G. Kasmauskas, CFPS



Proponent message 5

February 27, 2014

RE: Comments to Codes Council

Dear Members of the Code Council,

My name is Rich Magee, Assistant Chief Fire Marshal for Nassau County. I am writing in strong support of the adoption of the 2012 ICC Residential Code in its entirety, including the provisions for residential fire sprinkler systems.

I would like to address one particular issue that the home builders have frequently stated regarding how new modern construction techniques have made new homes much safer. In the past month we here in Nassau County have experienced two fires in these new, safer constructed homes. Both of these fires nearly resulted in catastrophic loss of life/injury to fire fighters who have to enter these safer homes when they are involved in fire. I have attached write ups and photos of both of these fires for you to review. I am sure that many other fire fighters from throughout the country are dealing with the same types of fires we here in Nassau County are experiencing. These homes did have smoke detectors which thankfully provided some early warning to the occupants. It should be noted the time of day these fires occurred were while the occupants were awake as opposed to being awakened by a fire alarm in the middle of the night. However, in spite of the early warning the rapid development of the fire in these homes placed firefighters in great danger.

I have no doubt that the installation of sprinkler systems in one and two family and town homes will save lives of both occupants and fire fighters. It is time to take the next step to help stop the needless loss of life from fire. New York State once again has the chance to lead the country in adopting codes that will make this state the safest place to live.

Thank you for your consideration.

Additional message from Rich Magee

Good morning,

As representative of the New York State Association of Fire Districts I would like to express our support of the recommendation by the Residential Sprinkler Sub Committee to require sprinklers in town homes and one and two family homes. The home builders continue to say residential sprinklers are ineffective and to costly and that new homes are safer than older homes. We completely disagree. Sprinklers system have been proven to saves lifes and decrease property damage. New homes using lightweight construction and the furnishing going into these homes are more hazardous to both the occupants and the fire fighters when those homes are on fire. They burn hotter, faster and collaspe more often than older homes. The opponents to residential sprinklers seem to be more concerned with losing money while those of us in favor of residential have one objective and that is to save lives. The Sub committee has made a very fair recommendation including fazing in residential sprinklers. It is time to do this. I request that you please forward this to the Code Council and let them know the Association of Fire Districts along with the Coalition to Preserve and Protect Our Communities is in full support of requiring residential sprinklers in town homes and one and two family homes.

Sent from Rich Magee's tablet

Magee attachment – Albertson Town Home Fire 1-24-2014

At least 20 people were left temporarily homeless Friday four-alarm fire that destroyed two Coventry Town Houses in closed the Oyster Bay Line of the Long Island Rail Road and shut than 1,200 residents along I.U. Willets Road. The Albertson Fire firefighters from 14 fire departments who battled the blaze at 154 Road in frigid conditions after responding to a call at 6 p.m. from a County Police officer who passed by the site of the fire, according Fire Company 1st Assistant Chief Jason Lasek, who was among the first firefighters on the scene.

No injuries were reported.

Occupants of the two town houses were on vacation, Lasek said, and residents of 12 adjoining town houses were quickly evacuated and brought to the Albertson firehouse, where they were temporarily sheltered and fed. A dog was also rescued from a town house next door to one of the burning structures, he said. Lasek said smoke



night by a
Albertson,
power to more
Company led
I.U. Willets
Nassau
to Albertson

billowing from the structure was quickly followed by flames when firefighters from the nearby firehouse on I.U. Willets Road arrived at the scene minutes after receiving the call. "It was out both sides of the roof," said Lask, who said the fire had been burning inside the townhouses "for a considerable amount of time" before it burst through the roof. Lasek said the Albertson firefighters initially attempted an "aggressive attack" on the fire through the front door of the two townhouses. But, he said, the roof's construction and the fast-burning lightweight materials of the building made a collapse likely, so Albertson fire company officers were forced to pull back their men from inside the building. "Three minutes later, the roof failed," Lasek said. "Once it starts burning, it fails quickly." When the roof collapsed, Lasek said, it "pancaked" onto the second floor and eventually the first floor. "It was roaring. Those flames on the roof had to be ten to 15 feet high," said Ed Scott, who lives across the street from the town houses.

Michael Uttaro, division supervisor in the Nassau County Fire Marshal's office said investigators from his office have ruled out any suspicious origins for the blaze, "leaning toward" a description of the fire as "accidental but undetermined." He said it was fortunate that the fire wall between the seven town house structures stemmed the spread of the fire. "The good thing is the fire wall didn't fail. The bad thing is that it was wood truss construction that failed early," Uttaro said.

Magee Attachment 2 – Stone Hill Drive House Fire



Nearly 100 firefighters from 10 local companies responded to a house fire in the Village of North Hills on Saturday that charred the residence within the Stone Hill community and raged on into the early hours of Sunday morning, Manhasset-Lakeville Fire Department officials said.

Officials said the Nassau County Fire Marshals' office is conducting an investigation into what started the fire that began in the basement of 32 Stone Hill Drive and later spread to the rest of the two-story house. The fire took more than five hours to extinguish and Manhasset-Lakeville crews were later joined by firefighters from the Port Washington, Plandome, Great Neck Vigilant, Great Neck Alert, Albertson, Mineola, Garden City Park, Williston Park and East Williston departments.

Upon responding to multiple fire calls to the house at around 8 p.m., officials said firefighters encountered heavy smoke in the basement as well as fire in the walls. After fighting the flames for 10 minutes, officials said firefighters noticed a collapse in the house's structure and response teams evacuated the building. Officials said that a few minutes later, the first floor fell through to the basement as fire teams hosed the fire from outside the house. Manhasset-Lakeville officials said crews extinguished the fire until 12:30 p.m.

Proponent message 6

Richard Mercer
[REDACTED]

February 25, 2014

Dear Mark Blanke:

Mark.Blanke@dos.ny.gov

New York State Department of State
Division of Building Standards and Codes

Re: Support of Residential Sprinklers in New Construction

As you are aware, the NYS Fire Prevention and Building Code Council may soon be discussing the installation of fire sprinkler requirements in newly constructed one- and two-family dwellings.

I have served as a Volunteer Firefighter in my Community since 1990 and served as the Fire Marshal of the Town of Clay in Onondaga County 2002-2010. During my tenure there an average of 150 new homes were constructed per year over a 10 Year period (1500 homes). In that time frame I have been involved with & investigating many fatal fires, some of those fatalities may have been avoided if this standard was enacted 20 years ago. NYS had the 2nd highest fire fatality rate in 2013 with 147 fatalities. Requiring Fire Sprinklers in new homes will bring that number down.

It will never be a popular decision to require something new that has any cost associated with it. As it is with any new code requirement, we may not see immediate results/statistics of lives saved, but every year from the point of adoption forward society will start to see the benefits of sprinklering homes.

Between 1987 and 1998 25 people died in trunk entrapments and in 2001 the government acted by requiring manufactures to install glow in the dark trunk release devices. During the same time period 58,000 people perished in fires. Fire sprinklers in 1 & 2 family homes is long overdue. Remember, initially no one wanted smoke alarms required in new construction, but it is now accepted...

I'm sure you have seen the FASNY data via the form letter. Lets be leaders and be proud that we enacted something that will save lives. Hopefully for future generations it will be less routine to hear of a community member who died in a fire.

Sincerely,

Richard Mercer
[REDACTED]

Proponent message 7

Mark,

As a recent appointee to the Codes Coalition representing the Association of Fire Districts, I was in attendance at the last meeting and I would like to submit the following document in support of retaining the residential sprinkler language in the new code. If there is public input at the May 7th meeting relative to this subject I would like to present this in person at that time.

Thank you.

Tom Rinaldi

Chair, Law & Legislative Committee

NYS Association of Fire Districts


www.firedistnys.com

I speak to you as a 45 year member of the fire service as both a career and volunteer firefighter, Regional Director for the Association of Fire Districts, State Association Law and Legislative Chairman and State Association Liaison to the Codes Coalition. The State Association of Fire Districts represents 850 Fire Districts and 4,250 fire district Commissioners.

I have also been a state certified code enforcement officer for 27 years and a certified professional code administrator. I retired in 2010 from the State of New York after a 27 year state career with 11 years as Deputy Director of the New York State Office of Emergency Management.

There have been a number of watershed moments which scream out the need for residential sprinklers. Let's not continue to look back to the way it was, but look forward to protect our future. The first fire that distressed me was the fire that took the lives of four members of the Sullivan family. The home had eight interconnected hard wired smoke detectors but the family had no chance, the home was totally destroyed. If this occupancy had been equipped with residential sprinklers, there would have been no headlines.

Another watershed fire was in the assisted living facility in L'isle Verte, Quebec where 32 seniors perished in a two story, unsprinklered type 5 (wood frame) facility. If the facility had been built with a sprinkler system there would have been no headlines.

In Manhattan a fire sparked by an overloaded electrical outlet strip resulted in the death of one 27 year old resident who did not perish on the floor of the fire but several floors above and injury 10 residents, two critically. The fire was battled by 33 units of FDNY resulting in the injury of 5 of those fire fighters. Had the building been built with fire sprinklers, a single sprinkler would have controlled the fire and there would have been no headlines.

Let's connect the DOTS for you.

DOT #1) Builders have been allowed to use lightweight construction systems for 40 years to save time and money. There is nothing inherently wrong with these systems, they are designed and built to do what they were intended to do UNTIL they are attacked by fire. As we play forward since the first use of manufactured trusses, we can now purchase stair systems composed simply of OSB and gusset plates.

DOT #2) Studies by the National Institute of Science and Technology and by FDNY had definitively proven that interior furnishings being used in today's residences burn at a higher BTU rate since they are comprised of petroleum based plastics and expend those BTUs faster than legacy materials. Therefore the phenomenon of flashover occurs earlier in the progression of the fire, often prior to the arrival of firefighters, and in some cases before they are called.

DOT #3) The fire service struggles with staffing in both volunteer and career departments whether they want to admit it or not. Volunteers are beginning to age out with the ability to recruit and retain new members presenting a real world challenge. Career departments are often not fully staffed and benefits as well as escalating retirement costs are stressing municipal budgets. Lightweight construction, plus faster evolving furnishings, plus staffing limitations are a recipe for disaster which will continue to cause headlines to be made.

Let me recount some of those headlines:

April 30, 2013. Charlotte, NC: A firefighter fell through a roof Thursday evening while battling a house fire. WCNC.com reported that when crews from the Charlotte Fire Department arrived on the scene, heavy smoke and

fire poured from the home. While working to contain the fire, a firefighter fell into the roof, but was quickly pulled to safety by his brothers, according to the report

September 19, 2013. Rye, New York- The roof of a multimillion-dollar mansion collapsed after it was ignited by fire this morning in Rye. Fire officials say the blaze broke out at 4 Magnolia Place around 10:30 a.m. When firefighters arrived, they found the roof of the house fully engulfed in flames. Department officials say firefighters went inside the home, and one firefighter was injured when the roof collapsed. The firefighter was conscious and alert when he was taken from the burning building. He was treated for minor injuries. Two residents were home at the time of the fire and escaped.

September 25, 2013

East Meadow, NY: In a fire which started at 3:15 pm on September 25, 2013 an East Meadow firefighter suffered head and neck burns as he helped extinguish a house fire on Sutton Place in North Merrick Tuesday. "Part of the roof collapsed on his head while he was inside fighting the fire," North Merrick Chief James Rogers said. The firefighter, who has not been identified, was treated at a nearby hospital and released. Roofers who were working on the house called in the smoke condition after the house lost power and evacuated the residents.

October 10, 2013

Detroit, MI: A firefighter is recovering this evening after an attic floor collapsed underneath him and a piece of equipment pierced his cheek. "It was a freak accident," Deputy Fire Commissioner Jonathan Jackson said. Jackson said 33-year-old Adam Mlinarich was crawling through the attic of a home on the 4000 block of McGraw, near Livernois and Warren, checking for hot spots when the floor gave way. It was just before 6 p.m., and firefighters were nearly finished putting out a fire at the house. Another firefighter was standing on the floor below with a pike pole, a fiberglass tool that is a little larger in diameter than a broomstick and topped a metal hook and sharp point. Jackson said Mlinarich fell, his face struck the top of the 6-foot pole. "It went through his left cheek and impacted his jaw," Jackson said, with the top three or four inches going through his cheek. No one else was injured at the scene.

November 16th 2013

Los Angeles, CA: Four firefighters were injured Thursday while battling a structure fire in Los Angeles, California. The injuries to the firefighters are considered nonlife-threatening, according to a report from the local NBC affiliate. One firefighter fell through the roof of the fire building while performing ventilation. Three others suffered other injuries while trying to rescue the fallen firefighter. The firefighters were being treated at a burn center. The cause of the fire was under investigation

December 15th 2013

Olean, NY: Two people are dead following a house fire early Sunday morning in the City of Olean. The fire started around 2:30 a.m. on South 2nd Street. When firefighters arrived, the home was fully engulfed in flames. The Olean Times Herald is reporting that there were five people inside the home at the time. Three people were able to escape with minor injuries, but two others died in the fire. The names have not been released until all family members are notified. The three injured people were transported

March 10, 2014

Baby Dies in Utica House Fire, is the headline. Fire Chief Russell Brooks said by the time crews arrived shortly after 10 a.m. Sunday, it was too late to rescue the youngest family member. "The first firefighters were advised that there was a baby trapped on the second floor," said Brooks. "Crews went in initially without any hose lines or protections to try to make a quick rescue." Despite their efforts, the chief says crews were pushed back by the flames. The family who lives at 1508 Dudley Avenue are Somalian and recently moved to the area. The intent of the residential sprinkler system in the updated code is to provide occupants time to escape. If this home had been sprinklered we would not be reading this headline and the parents as well as the firefighters would not be agonizing over this incident.

March 2014

Boardman Ohio: A firefighter was hospitalized after falling through the floor of a burning vacant home in Boardman, Ohio. According WFMJ, the house was under renovation at the time. The unidentified firefighter was

treated for injuries to his back and knee. Few other details were available about the fire. Earlier this week, a Detroit firefighter also fell through the floor at a house fire but did not require transport, and last week an Albuquerque firefighter had a similar close call. These occurrences simply underscore the potential danger of weakened floors at structures under fire conditions.

March 2014

Lancaster Pennsylvania: "Shortly after entering the structure, a MAYDAY was transmitted by Truck 57's OIC (FF Jamie Welk) for a firefighter through the floor into the basement. This was re-broadcast by another QFD firefighter and by LCWC. At this time, all QFD members went into rescue mode and began searching for the downed firefighter(s).

"The first firefighter was found quickly and a rescue plan was devised. The crew of FF's Rick Hall, Hen Woerth, Isreal Stolfus and Steven Roop called for an attic ladder that was lowered down into the hole in the floor in the kitchen and assisted the firefighter up and out...

"The second firefighter was located by FF's Jamie Welk and Jim Herr after finding the interior basement stairs and descending them. That firefighter was quickly taken out of the structure. A secondary search was completed by Union FC and QFD firefighters, making sure all were accounted for. Crews then exited the structure, re-grouped and re-entered to finish up knocking down any remaining fire."

Now a positive Headline:

September 25 2013

Georgetown, SC: An early-morning fire ripped through a block of waterfront business district destroying at least eight buildings and leaving seven families homeless, reports The Associated Press. The fire was stopped at the South Carolina Maritime Museum, where a sprinkler system inside the renovated building helped the more than 100 firefighters who responded to the fire Tanner said.

How do we mitigate lightweight construction that is quickly disappearing as firefighters respond, residences that are full of furnishings and finishes which cause earlier flashover and staffing shortfalls in the fire service in general?--Simply to allow residential sprinklers to remain in the upcoming Code being considered.

Finally, the statistics don't lie, more fires occur in residential occupancies, more family members die or are injured in residential fires and more firefighters die and are injured in residential fires than any other occupancy type.. Yet we are unwilling to invest any money into making our homes as safe as they can be. It seems strange to me that money will be spent on energy efficiency to be marketed as "environmentally green". Yet we fight every step of the way to avoid investing in sprinklers to protect our homes, families and firefighters. If we allow sprinklers to be installed, we will stop making headlines.

Respectfully submitted,

Thomas J Rinaldi CPCA

Law and Legislative Committee Chairman

Association of Fire Districts of New York State

Proponent message 8

Mandy Slisb


February 24, 2014

Dear Mark Blanke:
Mark.Blanke@dos.ny.gov
New York State Department of State
Division of Building Standards and Codes

Re: Support of Residential Sprinklers in New Construction

As you are aware, the NYS Fire Prevention and Building Code Council may soon be discussing the installation of fire sprinkler requirements in newly constructed one- and two-family dwellings. The fire service in New York State and in particular the state's 90,000 volunteer firefighters stand strongly in support of the adoption of this requirement.

This came as a prefilled letter but I am writing my own. I am a volunteer firefighter. I have pulled burnt victims out of fires. I have pulled hurt, dying and dead pets out of burning buildings. It is horrible. I want to obsolete at structure fires. It is cheap to put sprinklers into new residential construction. Please make me obsolete. Please make children and dogs safe.

Sincerely,

Mandy Slisb

Proponent message 9



National Fire Protection Association

Timothy P. Travers, Regional Fire Sprinkler Specialist
751 Washington St., Whitman, MA 02382, USA
Phone: 617-984-7013 Email: ttravers@nfpa.org

February 13, 2013

Members of the New York State Fire Prevention and Building Code Council

My name is Tim Travers and I am a Regional Fire Sprinkler Specialist for the National Fire Protection Association (NFPA). The mission of NFPA, which was established in 1896, is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education. I am here today to express NFPA's support for residential fire sprinklers as prescribed in the 2009 and 2012 IRC.

The latest NFPA statistics for residential fires in the United States is as follows:

- A residential fire occurs every 85 seconds
- 85% of fire deaths occur in residential properties
- 55% of fireground firefighter deaths occurred in residential properties

Smoke alarms and sprinklers both save lives from fire

Home fire sprinklers are a proven way to protect lives and property against fires at home. These life-saving systems respond quickly and effectively to the presence of a nearby fire. When sprinklers are present, they save lives. Sprinkler systems provide additional benefits, on top of the benefits already provided by smoke alarms. Most importantly, those at highest risk are children under five years of age and adults over 65. These are groups that may not be able to exit on their own even with working smoke alarms.

- Smoke alarms cut the risk of dying in a home fire by 50 percent
- If you have a reported fire in your home, the risk of dying decreases by about 80 percent when sprinklers are present

Beware of misleading percentages on survival and death

Fire sprinkler opponents have been using a statistic of 99.45 percent to illustrate the effectiveness of smoke alarms in reducing home fire deaths. This NFPA statistic estimates the likelihood of surviving a home fire when a working smoke alarm is present. Taken completely out of context; a number like 99.45% sounds very high. But consider this:

- The total home fire death toll of roughly 3,000 deaths a year occurs in approximately 400,000 reported home fires a year. Therefore, the likelihood of surviving a home fire is over 99% without regard to the presence of smoke alarms or any other fire safety provisions. Does that mean 3,000 deaths are acceptable? Most people would say no.
- Each year, there are an estimated 12,000 deaths due to falls in homes and an estimated 11 million fall injuries in the home. The likelihood of surviving a fall is 99.9%. Does that mean 12,000 deaths are acceptable? Most people would say no.
- Each year, there are an estimated 42,000 deaths due to motor vehicle crashes and an estimated 6 million reported motor vehicle crashes. The likelihood of surviving a motor vehicle accident is 99.3%. Does that mean 42,000 deaths are acceptable? Most people would say no.

Sprinklers do more than save lives

Sprinklers do more than save lives; they also protect property from destruction by fire. In many situations, that means a family that survived a fire will also have a place to live and enough resources to continue living their lives as they did before. "Saving lives" means more than just preventing deaths. Just as there is no other fire safety technology or program that produces as great a reduction in risk of death as sprinklers, there also is no other fire safety technology or program that produces as great a reduction in property loss per fire as sprinklers.

- People in homes with sprinklers are protected against significant property loss— sprinklers reduce the average property loss by 71% per home fire

The national consensus is in favor of sprinklers

All model safety codes now require the use of home fire sprinklers in new one- and two- family homes. Model codes are the specific expression of the shared values of Americans. In the code- and standard-development process no single interest is allowed to dominate. In terms of sprinklers, the consensus position of fire and life safety experts is clear: sprinklers save lives and should be installed in all new one- and two- family dwellings. Sprinklers offer the highest level of fire and life safety to protect people living in manufactured housing.

- Home sprinkler systems respond quickly to reduce the heat, flames, and smoke from a fire, giving families valuable time to get to safety
- Roughly 90% of the time, fires are contained by the operation of just one sprinkler
- Each individual sprinkler is designed and calibrated to go off when it senses a significant heat change
- Only the sprinkler closest to the fire will activate, spraying water directly on the fire

Beware of misleading percentages on effectiveness and reliability

It is important to recognize that home fire sprinkler systems are designed to activate to the heat of a fire that grows large enough for the temperature to reach 135°-160° F. They are not activated by smoke, nor should they be.

Opponents have cited some low percentages for what they call fire sprinkler efficiency. Such statistics improperly include as failures fires that do not produce enough heat to activate the sprinkler system, possibly because they were extinguished before heat rises to the point of activating the sprinkler system. In home fires large enough to activate an operational sprinkler, wet-pipe sprinklers operated *and* were effective in 98% of reported fires.

Beware of false claims made for newer homes

Opponents of residential fire sprinkler systems like to boast that newer homes are safer homes and that the fire and death problem is limited to older homes. This statistical claim evaporates if you adjust for the higher risk characteristics (e.g., lower income, less education) found on average in the occupants of older homes. But in fact, newer homes are also more likely to include a threat to firefighters in the form of lightweight construction. Lightweight construction has been estimated to be used in a half to two- thirds of all new wood one- and two-family homes. Sprinklers can offset the increased dangers posed by lightweight construction and create a safer fire environment for firefighters to operate.

Beware of false claims of expensive maintenance

The occupants of a home with a sprinkler system should understand that maintaining a sprinkler system is mostly about **common sense**. Keeping the control valve open, not hanging items from the sprinklers, and making sure that the sprinklers do not get painted or obstructed are the most important items. It is also important to know where the control valve is located so that the water can be shut down after sprinkler activation to minimize water damage.

The building owner or manager should understand the sprinkler system operation and should conduct periodic inspections and tests to make sure that the system is in good working condition. A recommended inspection and testing program includes the following:

- (1) Monthly inspection of all valves to ensure that they are open.
- (2) Monthly inspection of tanks, if present, to confirm they are full.
- (3) Monthly testing of pumps, if present, to make sure they operate properly and do not trip circuit breakers when starting.
- (4) Testing of all water flow devices, when provided (these are not required by the standard), every 6 months including monitoring service (note that notification of the monitoring service is essential to make sure that the fire department is not called due to testing).
- (5) Ongoing visual inspection of all sprinklers to make sure they are not obstructed and decorations are not attached or hung from them.
- (6) Whenever painting or home improvements are made in the dwelling unit, special attention should be paid to ensure that sprinklers are not painted or obstructed either at the time of installation or during subsequent redecoration. When painting is occurring in the vicinity of sprinklers, the sprinklers should be protected by covering them with a bag, which should be removed immediately after painting is finished.

Home fire sprinklers are cost effective, they do not have a negative impact on development and they are green.

On September 11, 2008 a study that was released by the Fire Protection Research Foundation (an affiliate of NFPA) found that the cost of 13D systems to the homebuilder, in dollars per sprinklered square foot, ranged from \$0.38 to \$3.66 with the average cost being \$1.61. This cost includes all costs to the builder associated with the system, including design, installation and other costs such as permits, additional equipment, increased tap and

water meter fees, etc.

On July 15, 2009 a study that was conducted for NFPA by Newport Partners compared residential construction in four counties. The study concluded that the presence of sprinkler ordinances has no negative impact on the number of homes being built. (Montgomery County, Maryland, was paired with Fairfax County, Virginia, and Prince George's County was paired with Anne Arundel County, both located in Maryland. Montgomery County and Prince George's County have sprinkler requirements; Fairfax County and Anne Arundel County do not.)

On October 1, 2009 the Home Fire Sprinkler Coalition partnered with FM Global to conduct full-scale fire tests to compare the environmental impact of sprinklered vs. non-sprinklered homes. Quantitative data was collected on each burn, the first time this information has been scientifically evaluated in terms of environmental impact. The study found that sprinklers:

- Reduce greenhouse gases by 98%
- Reduce fire damage by up to 97%
- Reduce water usage to fight a home fire by upwards of 90%
- Reduce the amount of water pollution released into the environment
- Reduce debris to landfills

Prince George's County, MD was the first county to adopt a one- and two-family sprinkler ordinance. In the 15 years since enforcement of the ordinance, a study, produced in cooperation with the University of Maryland, concluded that the ordinance had a significant impact on life-safety and reduction of property damage. During the 15-year period, there were 13,494 house fires with 101 deaths and 328 injuries in homes that were not protected with fire sprinklers. There were no deaths in the homes protected with home fire sprinklers. Sprinklers cut property loss in half and the average property loss after a fire with fatalities in an unsprinklered residence was 10 times more costly than a fire in homes protected with a fire sprinkler system.

NFPA contracted with Newport Partners to examine detailed water supply information for 20 US communities with residential sprinkler ordinances. According to the study, which was released October 22, 2009, home fire sprinklers can be integrated with local water supply systems with ease. The study concluded that water supply integration requirements have been put into place, and there are no examples of insurmountable problems or issues. Neither design problems nor significant added costs were found in the communities surveyed. In more than half of the communities, no cost impact resulted from sprinkler-induced changes to water meter size, the need for additional water meters, or changes to tap size. These communities also did not have higher monthly service fees from the water supplier for homes with sprinklers. In those communities where one or more of these factors did add cost, the average added cost was about \$400. NFPA President Jim Shannon said it best when he said, "This is another critical piece of substantiation against the myths that abound about home fire sprinklers. It is simply not true that sprinklers cannot be integrated with public water supply or significantly adds to cost. What is true is that home fire sprinklers save lives and should be required in new construction of one- and two-family homes."

October 2010: Newport partners looked at incentives in 16 communities throughout the U.S. The incentives were categorized as Homeowner Incentives (e.g. reduced property taxes), Builder-Oriented Incentives (e.g. reduced fire ratings for building assemblies) and Developer-Oriented Incentives (e.g. spacing fire hydrants further apart). The following is the estimated value of incentives (estimated dollar value per building lot), assuming a community offers "typical" incentives identified in the study:

- Homeowner oriented incentives were \$145, which are recurring (e.g. reduced property taxes)
- Builder-oriented incentives were \$1,949
- Developer-oriented incentives were \$1,271, which did not include the value of reduced cul-de-sac widths (\$10,752 per cul-de-sac) or increased dead-end street length

The study found that when comparing the estimated value of builder-oriented incentives to the typical cost of a fire sprinkler system for a new single-family home, the value of the incentives (\$1,949) which a community might reasonably offer offset about one-third of the system cost (\$5,888). Incentives can target development practices, opportunities to alter the construction of the home, or modify fees or taxes in ways that benefit developers, builders, and/or homeowners.

February 2011: A study prepared by Exponent, Inc. for the Fire Protection Research Foundation on the topics of Water Usage and Water Meter Performance found that a typical sprinkler head discharges between 22 – 38 GPM (well above the required 18 GPM with an average of 28 GPM assuming a single sprinkler operating). Also, the study reports average water usage for firefighting in homes without fire sprinkler systems can be up to

1200% higher than the water discharged by a fire sprinkler system with a 10 minute operation. Another interesting point was that the projected water infrastructure demand is reduced by 47% (or more) when homes in a community are protected by fire sprinkler systems.

Home fire sprinklers – the right choice for New York

Sprinkler systems have been protecting lives for over 100 years throughout the United States. Building homes without residential fire sprinkler systems equates to building substandard housing. I respectfully request that your Committee vote favorably on this Legislation and join California, Maryland, and hundreds of other forward thinking communities across the United States.

Respectfully,

Timothy P. Travers

Timothy P. Travers
NFPA Regional Fire Sprinkler Specialist

This data might be helpful in explaining the need for Residential Sprinklers....

According to US Fire Administration 224 people have died in fires in New York in slightly more than 2 years (2011 – today)

- 2011: 90 fire fatalities
- 2012: 105
- 2013 (YTD): 29

We all know the multitude of reasons why, but clearly, smoke detectors, alone, are not the complete solution....contrary to what the Homebuilders Lobby suggests.

Tim Travers
NFPA Regional Fire Sprinkler Specialist

ttravers@NFPA.org

Proponent message 10

Dear Mr. Blanke

Please read the letters below which were sent to the Journal News on two occasions...I would request that copies of this e mail be sent to the Council members which will meet next week to vote on fire sprinklers for new homes. The States of California and Maryland already mandate these systems in new construction. The installation of these systems in addition to what I've already stated below will also help stabilize tax revenue used for additional fire stations, men and equipment. It would be a political win win for everyone. No one gives this item on your agenda much chance of succeeding but I believe that if the Council members seriously consider the points I have raised in these two letters they will approve this life saving requirement. Contact me if you need more information.....

John A. Viniello

To: The New York State Fire Prevention and Building Codes Council
From: John A. Viniello Former President National Fire Sprinkler Association, Inc

The fire tragedy that claimed four lives in Mount Vernon, New York, brings back the haunting memories of a similar fire tragedy a year ago in Carmel, New York.

Each day 7 people die from fire in one of the most highly industrialized countries in the world...our own United States. If we started today and required automatic fire sprinklers in all standing structures where people, live, work and play, deadly fires would virtually disappear tomorrow. In more than a century there has never been a multiple death from fire in any building that had a properly installed and maintained automatic fire sprinkler system. We need pro active legislation at the Federal, State and local level to mandate the use of these life saving systems in all new construction, including homes. They are the best weapon we have against unfriendly fire. It's as if we had a cure for cancer and elected not to use it. It's a choice that our politicians must embrace as it will impact the lives of generations to come. House Fire in Mount Vernon claims another life

In almost one month to the day when a house fire claimed four lives in Mount Vernon, New York another fire tragedy has occurred in the same city. Another life is tragically lost in a house fire. This carnage has to be stopped and it's time that politicians at the Federal, State and local level translate rhetoric into reality by mandating automatic fire sprinkler in all new homes. . Many home builders that stand in opposition to these systems, cite the added cost as the biggest deterrent for requiring them. The reality is that the cost of installing these life saving systems in new homes is less than two dollars a square foot. Also, and it's another mistaken reality, that many homeowners don't believe a fire will occur in their newly purchased home. The facts are otherwise. Each day 7 people die in home fires in the United States. Untold millions of dollars in property damage occur. Horrible burn injuries scar people's bodies and destroy the quality of life of untold thousands of men, women and children. How high does the body count have to get before fire sprinklers are required in all new construction? Do we have to lose 10 people in a home fire before proactive measures are taken? Automatic fire sprinklers are life savers and have been for more than a century. In that time there has never been multiple life loss from fire in any building protected with a properly installed and properly maintained fire sprinkler system. We have the answer to the fire problem in this country and have had it for a long time. Unfortunately it appears that we have lacked the wherewithal to implement it. It's a sad commentary but people who are alive today will die from fire tomorrow because our lawmakers don't have the political will to require them in all new buildings, including homes.

John A. Viniello


The writer is the recently retired president of the National Fire Sprinkler Association in Patterson.

Proponent message 11



National Fire Sprinkler Association, Inc. (NFSA) NY Regional Office
Dominick G. Kasmauskas CFPS
1436 Altamont Avenue, Suite 147
Rotterdam, New York 12303
518.937.6589
Kasmauskas@NFSA.org

New York State Fire Prevention and Building Code Council 16 JUL 13
Attn: Mr. Mark Blanke
99 Washington Avenue (One Commerce Plaza), Albany, New York

RE: Residential Dwelling Fire Sprinklers (One- and Two-family Homes)

Dear Members of the Code Council-

Thank you for your continued time, efforts, and attention in this matter. A “matter” that with the appropriate decision will save countless lives from being lost and prevent innumerable future burn injuries from the day of enactment going forward.

To all members of the Council and others, I strongly urge you to visit www.HomeFireSprinkler.org and review the facts about fire sprinklers in new homes. The Home Fire Sprinkler Coalition is a FEMA funded entity and provides educational material for homebuilders, homebuyers, and code officials as well as support in furtherance of adoption of fire sprinklers in new dwellings. Regardless of what has been presented in the past or will be presented in the future, the above web site is the place to go for the majority of relevant facts.

In response to some items I heard in previous testimony, I offer the following;

*There is no argument that new homes are built safer (when not under fire conditions), but structural issues are not the fire problem. The fire problem is the contents that people bring into the home; the furnishings, electronics, clothing, etc. Plus, these modern contents burn and spread fire more rapidly than those of 60 years ago that were once made of wool, cotton, wood and other Class A fire materials. Older materials would burn much slower and for 20 minutes before going into flashover. Modern materials are into flashover at 6 to 12 minutes, which coincidentally is about the time the firefighters arrive which puts their well being in jeopardy.

*Firefighters buying homes are still “civilians” when shopping for a new home. Generally they have not been in the fire prevention or fire protection side of a fire department they and exposed daily to the benefit of fire sprinkler systems, the statistics, the dangers of living in a home without fire sprinklers. Firefighters are reactionary to when a fire occurs and are not in a proactive fire prevention mode. Plus, very unfortunately, there are still “dinosaur” firefighters that believe fire sprinklers will take away their jobs. Nothing can be farther from the truth in that most “fire” departments are now operating as “rescue” departments. Fires are often long term events that waste resources that should be and could be available for other non-fire related emergencies.

*Homes on domestic wells or in rural areas being exempted; this is reverse logic as this is probably areas of the longest response time by their local fire company. Without municipal water supply, fire sprinklers systems can be supplied by the home’s well or use of standalone tank and pump.

*The State of California started approximately 9 years ago in studying the feasibility in adopting the fire sprinkler section in the IRC. It was implemented with a ramp up time of two years. It has been noted that CA is the most cash strapped state in the union at that time and this has worked in favor of adopting the fire sprinkler requirement.

(The State of Maryland has also adopted the requirement for fire sprinklers with two of their most populated counties having ordinances with this requirement for nearly 30 years. A Fire Research Foundation study showed in

2009 that these two counties in Maryland compared to two neighboring, identically demographic counties in VA had identical home prices).

*Smoke and toxic gases are the killer in most fire fatalities, but where did that smoke come from? Fire, something is burning. Plus, you must remember that fire sprinkler elements fuse due to heat. The large percentage of any burning household items will raise the ambient temperature needed at the fire sprinkler(s) to activate.

*Fire deaths continue to occur in a large portion of homes with working smoke alarms. Fire deaths have gone down the last few decades but not in proportion to the amount that fires have gone down.

*Fire sprinkler fail to open or open without fire? This is an extremely rare occurrence.

*Damage from water is fractional statistically to an equivalent fire had fire sprinklers not been present.

*Inspection and testing of fire sprinklers is minimal. Code Officials do not need to visit every home each year. The Standards are quite clear on homeowner's responsibility.

We see fires and fire deaths in multi-family residential housing declining. Why is that? Because they are burning and being rebuilt with fire sprinklers or these occupancies are being retrofitted before a tragedy happens by the owners with and without insurance industry urging.

Fires in dwellings claimed 2,600 lives in the U.S. and left about \$6-8 billion dollars in damages. Is it possible that there are interested parties do not want to see this market shrink?

As a follow up the original report submitted in 2009, actual \$/Sq. ft. was miscalculated as the report was filed without the basement square footage. With the correct calculations in place, the fire sprinklers in the model homes provided is from \$1.49/sq ft to \$3.05/sq ft.

Granted, I represent the fire sprinkler industry, however I spent 32 years in the fire service and the fire service knows that fire sprinklers are the answer to America's fire problem. The fact is they save lives, they save property, they save life styles.

Thank you for your time once again in this matter and I urge the members of the Council to contact me at any time to get together and discuss the facts and get beyond the hypertension rhetoric of the dooms-dayers.

Most sincerely,
Dominick G. Kasmauskas CFPS

Proponent message 12

February 15, 2013

Deputy Chief F. J. Spinelli
Hartsdale Fire District
300 West Hartsdale Avenue
Hartsdale, New York 10530

Raymond Andrews, R.A.
New York State Department of State
Division of Code Enforcement and Administration
99 Washington Avenue, Suite 1160
Albany, New York 12231

RE: Comments to Codes Council

Dear Members of the Code Council,

My name is F.J. Spinelli, I currently serve as a career Deputy Chief in the Hartsdale Fire District, in the Town of Greenburgh, NY and serve as a member of the Codes Committee of the NYS Association of Fire Chiefs. I work in a municipality that has had a residential sprinkler ordinance since 1978 and has shown no signs of a reduction in building permit applications over the years. In fact, in an article from September of last year the building department in Greenburgh noted that they had 1000 more building permits than it did in 1998 and that permit revenue had tripled between 2005 and 2010. The department handled over 3000 permit applications last year alone.

My remarks today will be in relation to the baseless attacks by the building industry on residential sprinkler systems. In 1973 a report by the National Commission on Fire Prevention and Control, called America Burning (1973) brought to light the severity of the fire problem in the United States. Back then approximately 8000 persons died in fires each year. Eight out of ten of those victims died in their homes. 40 years later that grim statistic has been lowered to fewer than 4000 persons a year, but sadly the eight out of ten statistic remains constant.

The citizens of New York State and our fire service face new challenges and threats to our well being every day. And not all of those are budgetary or a terrorist threat. Threats from the synthetic products in our homes and the introduction of light weight engineered products have made the chances of a building involved in a structural fire being a total loss a certainty without a sprinkler system in place. Studies by Underwriters Laboratories (UL) and the National Research Council of Canada (NRC) both "found engineered building materials to burn faster and lose their structural integrity far faster than dimensional lumber." Today's fires are not the fires of years ago, as scientific data and research from the National Institute of Standards and Technology (NIST) have shown, today's fires burn at temperatures exceeding 2000 degrees and lightweight construction may collapse in as little as 6 minutes during a structure fire.

Sprinkler systems have been misrepresented in the movies and television for years. No one has called the producers of those movies or shows to task because their inclusion in the program added comedy or suspense to the overall plot. Sprinkler systems have also been misrepresented by the building industry as being a waste of money, a needless economic burden, or that "they don't offer significant advantages over smoke alarms (Stewart, 2013)." This characterization is criminal based on the scientific evidence stating otherwise. In a report titled, Benefit-Cost Analysis of Residential Fire Sprinkler Systems (NIST, 2007), the National Institute of Standards and Technology found that, "When a house fire occurs, one and two-family dwellings with a wet-pipe sprinkler system...and smoke alarms were found, on average, to have 100% fewer civilian fatalities, 57% fewer civilian injuries, and 32% less direct property loss than one and two-family dwellings equipped with only smoke alarms." These benefits, coupled with homeowner insurance credits resulted in a significant present value of net benefits, often exceeding the cost of sprinkler installation.

The cost of installing a sprinkler system in a residential structure is minimal when compared to the costs of comfort items such as carpet, tile, or advanced entertainment systems. Contrary to the rhetoric offered by the homebuilders associations, sprinkler systems are not exorbitantly expensive, nor are maintenance of those systems overly expensive. While doing research for today I found that the average cost in the Albany area for a stand-alone sprinkler system (non-networked), was between \$1.75 and \$2.50 per square foot when municipal water is available. Without municipal water the costs ran between \$3.50 and \$4.00 per square foot due to the need for a tank and pump to supply the system. Annual maintenance of those systems cost less than most monthly cable bills. Monthly and Weekly inspections can be completed by the homeowner. A networked sprinkler system, which is tied to your domestic fixtures (sinks, toilets, etc.), runs approximately \$1.72 a square foot when connected to a municipal system, with a \$1.00 per square foot increase in overall cost when installed in a rural (well water) application. One recent installation, by Albany Fire Protection, was completed for the Habitat for Humanity in an approximately 1200 square foot, 2 bedroom house. The total cost was \$4800.00. Driving costs further down are systems like the newly introduced Minimax misting systems used for fire suppression.

It is unfortunate that the "One issue that may ultimately shift the perspective of builders towards residential fire sprinklers is legal liability. Regardless of whether a state or locality chooses to amend fire sprinkler requirements out of the IRC, courts may well hold that it is incumbent upon builders to follow established standards of care for fire safety when they construct a new home. With EVERY national code now requiring EVERY new residential property to be equipped with fire sprinklers, that standard of care is clearly established and is now well known to the industry, especially given the high profile of Home Builders Associations opposition to sprinklers. Accordingly, whenever a fire involving a post-2010 home is litigated, perhaps by a grieving family or by an insurance company seeking to recoup a payout for fire damage, a decision by a builder to not include sprinklers in a new home will be easily characterized as negligent, with a deliberate indifference towards life and property that yielded a defective home."

No single code provision that the codes council can pass will have a greater impact on civilian and firefighter safety than the adoption of the 2012 ICC Residential Code in its entirety.

Respectfully Submitted,

Deputy Chief F. J. Spinelli

Opponent message 1

Kemp Anderson
[REDACTED]

February 28, 2014

Dear Mark Blanke:
Mark.Blanke@dos.ny.gov
New York State Department of State
Division of Building Standards and Codes

Re: NOT in support of Residential Sprinklers in New Construction

As you are aware, the NYS Fire Prevention and Building Code Council may soon be discussing the installation of fire sprinkler requirements in newly constructed one- and two-family dwellings. As a volunteer fire fighter and state code enforcement official, I stand firmly in OPPOSITION to the adoption of this requirement.

The adoption of this new code requirement would be one more step away from the proper role that a limited constitutional government should play in the lives of its private citizens, and further infringe on the freedoms we enjoy.

Sincerely,

Kemp Anderson

Opponent message 2

-----Original Message-----

From: Gary Dean [REDACTED]
Sent: Friday, March 21, 2014 7:03 PM
To: dos.dl.InetCodes
Subject: mandatory home sprinklers

Ladies & Gentlemen: I am in the process of building our home and could NOT do this with an additional \$8-10,000 cost for a mandatory home sprinkler system. There are already so many "costs" to building a home in NY adding yet another one, that I feel is completely unnecessary simply adds another reason why people have given up living and doing business in NY... have you noticed our population trend is DOWNWARD not upward... over regulation, PLEASE PLEASE do not make this a mandatory investment it will but a chill on new home construction in NY!

Gary Dean

Opponent message 3

From: DeSantis, Erin [REDACTED]
Sent: Friday, February 21, 2014 4:05 PM
To: Blanke, Mark (DOS)
Cc: [REDACTED]
Subject: Opposition to Fire Sprinkler Mandate

Mark,

Attached please find NFIB's letter opposing any attempt to include in the IRC a mandate requiring installation of fire sprinklers in new one and two family homes in New York State. Please feel free to contact us if you have any questions.

Thank you.

Erin DeSantis
Assistant State Director/New York | NFIB.com
P: (518) 434-1262 | F: (518) 426-8799

Please join us for Small Business Lobby Day on March 12, 2014!

█ The Voice of Small Business'.

NEW YORK

February 21, 2014
Cesar Perales
New York State Department of State
Secretary of State
99 Washington Avenue
Albany, NY 12231

Dear Secretary Perales,

The National Federation of Independent Business (NFIB) represents nearly 11,000 small business owners in New York State, and I am writing to you today to oppose the mandated installation of fire sprinklers in all new one and two family homes in New York State.

New York is one of the most highly-regulated states in the nation, which contributes to the state's anti-business reputation. Each new mandate imposed drives up the cost of doing business for home builders that in turn are forced to pass the cost on to the consumer. The National Fire Sprinkler Association estimates that mandating fire sprinklers will increase the already expensive cost of housing by \$10,000-\$20,000 plus on-going maintenance. This added cost will have a negative impact on affordability for consumers, thereby slowing construction and causing job loss in the construction industry.

NFIBINY instead supports a sensible proposal to require home builders to provide homebuyers literature on the benefits of fire sprinklers and let the buyer decide if they want sprinklers installed. This fair-minded alternative both protects consumer choice and preserves jobs in the construction industry.

Improvement of New York State's business climate is a critical component to revitalizing the state's economy; and more specifically, business needs relief from mandates that have neither shown to be cost-effective nor proven to be safety improvements. Accordingly, we urge the Department of State Code Council to reject any attempt to impose this mandate as part of the new International Residential Code.

Thank you.

Sincerely,
Michael P. Durant
State Director, NFIBINY

National Federation of Independent Business - NEW YORK
100 State Street - Suite 1010 .. Albany, NY 12207 .. [REDACTED]

Opponent message 4

From: Patrick L. Evans [REDACTED]
Sent: Monday, February 24, 2014 5:17 PM
To: Blanke, Mark (DOS)
Subject: sprinkler systems

Dear Sir:

There are many things that would make life safer, but we don't have the money nor the will to make them part of our lives. How many people do you know who have installed sprinkler systems in their homes? I live in a neighborhood where the homes are typically over a hundred years old. That means two things... one, we haven't had any big fires, and two, we have enough trouble converting the electrical systems much less adding new water systems.

The real reason for this email is to ask you please don't attempt to enforce or create any rules, regulations or laws that will require sprinkler systems in new homes. I am president of a local Habitat for Humanity affiliate. We are trying to provide affordable homes for people that have never had such a wonderful opportunity. By demanding this kind of improvement, we'd dramatically increase the cost of the house to these poor people, and certainly will deprive some from being able to buy a Habitat home.

Please do not force this upon us and upon the people we are trying to serve.

Thousand Island Area Habitat for Humanity

Patrick L. Evans

Patrick Evans, President.

Opponent message 5

From: Brooke Greenhouse, CGB [REDACTED]
Sent: Friday, February 21, 2014 4:42 PM
To: Blanke, Mark (DOS)
Subject: Please Oppose Fire Sprinkler Mandate Now!

I support REAL FIRE SAFETY, this is not provided by sprinklers installed in new homes. If the NYS Code Council feels improvements are needed to protect our citizens, we need working detectors in every household. The proposed sprinkler mandate will not help existing homes and it is absurd to think that the same citizens who fail to maintain smoke detectors will maintain sprinklers.

From my personal experience and national research, this issue is driven by isle who want to PROFIT from sprinkler sales, not any basis in real-world justifications.

I am calling on the New York State Code Council to vote down a mandate to install fire sprinklers in all new one and two-family homes in New York State. Currently 48 states have either declined to adopt this ICC mandate or passed legislation forbidding a mandate to install sprinklers in one and two-family homes.

Brooke Greenhouse, CGB, CAPS
Cayuga Country Homes, Inc
[REDACTED]

2006 President New York State Builders Association

THE SENATE
STATE OF NEW YORK
ALBANY 12247



PATRICK M. GALLIVAN

February 11, 2013

Cesar A. Perales
Ronald Piester, A.I.A.
New York State Department of State Division of Code Enforcement and Administration
One Commerce Plaza 99 Washington Avenue, Suite 1160
Albany, NY 12231

Dear Secretary of State Perales,

I am writing to urge you to oppose the fire sprinkler mandate in all new one and two-family homes in New York State. This mandate will greatly increase the costs of building a new home in this state without commensurate safety benefits.

The New York housing market is just now showing signs of coming out of the worst decline in American history. This mandate would send it spiraling down again. Installation of fire sprinklers will cost New York consumers an additional \$10,000 to \$15,000, and will cost even more for individuals who are not on public water. Other maintenance or special circumstances, such as pressure boosters and water tanks, will cost consumers even more. Nationally, industry experts estimate that each \$1,000 added to the price of a home results in 250,000 potential homebuyers who cannot afford the increase.

While I support sensible changes that will make homes safer for our families, I do not believe that the potential benefits outweigh the added costs. The number of fatal fires in New York has dropped significantly over the last 20 years as a result of less costly changes in residential construction technology, improved building code requirements, consumer behavior and the rigorous efforts of fire fighters, home builders and other safety advocates.

I urge you to join the forty eight other states which have thus far declined to adopt such a mandate or passed legislation explicitly forbidding such a mandate which installs sprinklers in one or two-family homes.

Sincerely,

Patrick M. Gallivan
PMG: np/ta

ALBANY OFFICE
ROOM 947
JUDICIAL OFFICE BUILDING
ALBANY NEW YORK 12247
518.485.1401

58TH DISTRICT OFFICE
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SATELLITE OFFICE
WYOMING COUNTY GOV. CENTER
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WARREN, NEW YORK 14569
518.752.3004

SATELLITE OFFICE
LIVINGSTON COUNTY GOV. CENTER
ROOM 301
GENESCO, NEW YORK 14456
585.789.6997

SATELLITE OFFICE
15 BRISTOL STREET
CANANDAIGUA, NEW YORK 14624
585.395.0625



Opponent message 7

From: [REDACTED]
Sent: Saturday, February 22, 2014 12:24 PM
To: Blanke, Mark (DOS)
Subject: Please Oppose Fire Sprinkler Mandate Now!

Opponent message 8



New York State Association of REALTORS®, Inc.
130 Washington Avenue | Albany, NY 12210-2220
P 518.463.0300 | F 518.462.5474
info@nysar.com | www.NYSAR.com

MEMORANDUM IN OPPOSITION

Date: March 2013
Contact: Michael Kelly

The New York State Association of REALTORS® (hereinafter, NYSAR), a not-for-profit trade organization representing more than 48,000 of New York state's real estate professionals, opposes the proposal approved by the Residential Sprinkler Task Force mandating the installation of fire sprinklers in all new one and two-family homes and townhomes in New York. NYSAR encourages the New York State Code Council to reject this regulation.

The decision to install fire sprinklers should be a consumer choice. Mandatory sprinklers will unquestionably increase the price of building, owning and maintaining a home and will therefore negatively impact the recovery of the housing sector. At a time when new and existing home sales are starting to slowly recover from the economic downturn, now is not the time for an unnecessary and costly new mandate. Nothing currently prevents consumers from installing sprinklers if they so desire based on their economic resources and construction design.

Local municipalities are also currently able to adopt local laws requiring sprinklers in new construction if, after review of existing local factors including water source, supply, farming, flow, pressure, access and other practical considerations, they deem it appropriate. A statewide mandate will have unintended consequences for different parts of the state based on the specific municipal conditions. Local governments must be free to individually consider the economic impact this mandate would have including administration costs such as construction review, inspectors and ensuring ongoing compliance along with the impact on local water systems.

Finally, mandatory sprinklers are unnecessary to protect public safety. Building code requirements for hard wired, interconnected smoke alarms and improved residential construction technology already provide safe and effective fire prevention methods. Research and statistics show that these proven safety measures are successfully decreasing and preventing fire-related injury and death.

For the above stated reasons, the New York State Association of REALTORS® strongly urges the New York State Code Council to reject any proposal to mandate the installation of fire sprinklers in all townhomes and one and two-family new residential construction.

The New York State Association of REALTORS® is a not-for-profit trade organization representing more than 48,000 of New York State's real estate professionals. The term REALTOR® is a registered trademark, which identifies real estate professionals who subscribe to a strict code of ethics as members of the National Association of REALTORS®. These REALTORS® are also members of the New York State Association of REALTORS® as well as their local board or association of REALTORS®.

Margaret Hartman
President

JP Endres Fein
President-Elect

Michael S. Smith
Secretary/Treasurer

Duncan R. MacKenzie
Chief Executive Officer

Opponent Message 9

NYS DOS, NYS UNIFORM FIRE PREVENTION AND BUILDING CODE COUNCIL PUBLIC HEARING
FIRE SPRINKLERS FOR THE NYS RESIDENTIAL CODE
WEDNESDAY, SEPTEMBER 13, 2013
COMMENTS BY PHILIP LAROCQUE, LAROCQUE BUSINESS MANAGEMENT SERVICES, LLC, 63
BISHOPS GATE, APT. A, GUILDERLAND, NY 12084, PHIL@PHILIPLAROCQUE.COM

BIO:

FORMER EVP OF THE NYSBA FOR 14 YEARS.
SERVED ON DOS IRC STATE MODIFICATIONS SUBCOMMITTEE
SERVED ON NAHB BUILDING CODES COMMITTEE NATIONALLY
SERVED ON DOS FIRE SPRINKLER TASK FORCE IN 2008-2009 THAT IS REFERENCED IN
HEARING SUBMITTALS
ACCREDITED GREEN BUILDING VERIFIER WITH THE NATIONAL GREEN BUILDING
STANDARD ADMINISTERED BY THE NAHB RESEARCH CENTER
MEMBER OF THE ROCHESTER HOME BUILDERS ASSOCIATION AND THE NATIONAL
ASSOCIATION OF HOME BUILDERS

POINTS:

THE NEW YORK STATE RESIDENTIAL BUILDING CODE IS UPDATED/MODIFIED EVERY THREE YEARS BY THE NYS UNIFORM FIRE AND BUILDING CODE COUNCIL AFTER THE DEPARTMENT OF STATE'S STAKEHOLDER SUBCOMMITTEES PROVIDE THOROUGH ANALYSIS OF THE IRC AND MAKE RECOMMENDATIONS FOR CHANGES. TO DATE THIS ENTITY HAS SEEN FIT TO NOT MANDATE FIRE SPRINKLERS UNDER THE RESIDENTIAL CODE LIKE MOST LOCAL AND STATE CODE JURISDICTIONS . I HOPE THIS POSITION CONTINUES FORWARD.

A FEW YEARS AGO THE DOS CREATED A **RESIDENTIAL CODE FIRE SPRINKLER STUDY COMMITTEE** WHICH I SERVED ON. THAT COMMITTEE FOUND THE FOLLOWING:

PRICE-THE COMMITTEE DEVELOPED SAMPLE ESTIMATES THAT HAD A HIGHER TOTAL COST THAN THE RANGE FOUND ELSEWHERE. FOR STAND ALONE, TOTAL COSTS RANGED FROM \$6210 TO \$23065 AND COST PER CONDITIONED SQUARE FOOT RANGED FROM \$3.30 TO \$8.56. For multi purpose, total costs ranged from \$6856 to \$9695 and \$3.18 to \$4.56 per sq. ft.. Costs were even higher for private wells. More important to the true value of sprinkler estimates are the real marketplace pricing that can only come forward in a competitive marketplace. See the PROFESSIONAL quotes and breakdowns on this reality in the hearing testimony. Those are real world numbers from the professionals who install these sprinkler systems. These costs do not consider additional expenses involved in annual inspection fees related to sprinklers, labor charges related to paint, drywall, insulation air sealing or other trade work needed to accommodate the fire suppression system. Further, the costs do not include the ongoing management and maintenance of numerous individually owned customer systems in the residential marketplace. Does the new or prospective new home buyer have a clue of the added costs being imposed on them here? Has the media picked up on this part of the story? The housing market is just starting to turn around and this mandate on a man's or woman's castle is simply not affordable. Let that buyer determine if they want a sprinkler system after being afforded the option by the builder. Sure, go ahead and mandate that the builder must provide this product as an option but please do not mandate it on all home buyers of new homes.

IMPACT ON THIRD-PARTY CERTIFIED GREEN BUILDING AND ENERGY STAR HOMES. My business includes working as an accredited verifier with the National Green Building Standard (NGBS) and also as an energy efficiency consultant to residential builders across New York and New England. Just yesterday I was doing an inspection where sprinklers were installed (an moderate size two-story apartment building). The builder had added labor and material costs in insulation and air sealing of the sprinkler heads and sprinkler water lines to meet the requirements of the NGBS and ENERGY STAR. In fact the builder had some real challenges in getting the sprinkler head and water line properly insulated and sealed so as not to compromise the whole building envelope and required test results needed to get the NGBS and ES certifications as the sprinkler heads were an additional wall penetration and the water lines ran along an wall adjacent to an unconditioned space. I find it ironic in a state with such aggressive energy efficiency and certified green building public policies and incentives that this sprinkler mandate could be another cost driver for the builder (and the end-consumer) that slows the growth of ES and green

building volunteer programs!! This really needs to be quantified as the certified GB market nationally was 7% of all residential units five years ago, stands at about 17-18% today and is projected to be at 37% in four years. What will New York's percentage be and will this mandate slow that growth?

MARKET IMPACT: THE FOLLOWING WAS STATED IN THE REPORT-"A SURVEY OF MARKETS IN NYS WITH MANDATED RESIDENTIAL SPRINKLERS IN 1 AND 2 FAMILY HOMES DID NOT IDENTIFY A HOUSING MARKET IMPACT FROM SPRINKLERS. THE COMMUNITIES WERE MOSTLY ...HIGH-END HOMES AND AGGRESSIVE MARKETS. AN EVALUATION BY THE NAHB FOUND THAT IN 12 NYS METRO AREAS, BASED ON THE ABILITY TO OBTAIN A MORTGAGE, THE NUMBER OF HOUSEHOLDS PRICED OUT OF THE MARKET FOR A MEDIAN PRICED NEW HOME BY AN INCREASE IN SELLING PRICE DUE TO SPRINKLERS AVERAGED ABOUT 2 PROSPECTIVE NEW HOMEBUYERS FOR EVERY 100. IN TODAY'S MARKET WE CANNOT AFFORD LOSING EVEN ONE PROSPECT DUE TO MORTGAGE DISQUALIFICATION.

CONSUMER IMPACT AND THEIR NEW COSTS/RESPONSIBILITIES:

In both the NY State Sprinkler Task Force Report and in the sprinkler trade quotes there are warnings about the significant NEW obligations of, and extra costs for, home owners or code departments with sprinkler systems.

The Task Force on this point said, "The committee discussed the possible need to insure proper inspections, as required by state code for automatic fire sprinkler systems. Following installation, NFPA 1 D **requires** that the owner replace damaged sprinklers and **recommends monthly inspections**". Who will do those monthly inspections and who will pay the bill for these inspections in these homes owned and occupied by the residents?

Kennedy Mechanical Contractors (Rochester mechanical contractor on homeowners and ensuring the right system is installed by professionals): "Installation of sprinkler systems involves an understanding of the listings of the products, specifically the sprinkler heads, knowledge of the codes involved when it comes to field changes and a respect for the purpose of the system being installed. Unlike plumbing (call when toilet does not work), heating (call when heat is off), or electrical (call when lights are out), fire sprinklers are designed for a fire. There is no time to call for a repair if the system is not working".

AND "we prefer to use a dedicated sprinkler system. This typically discourages the homeowner from making any modifications to the system if he remodels a bathroom or any other room."

AND-"with a multi-purpose system, installation of a flow switch and monitoring is **not an option**".

AFFORDABLE AND OPTIONAL HOUSING ASSEMBLIES: I represent a third party insurance-backed new and remodeled homes warranty company with a healthy manufactured and modular homes component. According to the state Sprinkler Committee, "For manufactured homes, adding sprinklers will increase the sale price by a larger percentage of current costs than for stick-built or modular homes, approximately 16 to 19 %. This sector of the market is most likely unable to afford a new home...In the U.S. from 2001-2007, manufactured home starts ranged from 13% to 7% of the total SF housing starts.

DEBUNKING THE INSURANCE DISCOUNT MYTH: Advocates of this mandate over the years have argued that insurance discounts for fire suppression systems will offset the additional costs very effectively. I find it interesting those same arguments seem to have quieted down after the state's Sprinkler Committee reported the following, "Many insurance companies have provisions for discounting residential insurance premiums due to a variety of preventive conditions, including sprinklers. **The total discount available for all preventive conditions is generally assigned an upper limit. An new home may already have premiums discounted to the upper limit so that fire sprinklers would not add additional discounts. Both premium deduction and the potential community-wide decrease in premiums are likely to be less than 10%.**"

As an aside my calculations on this cap in premium discounts and the total available discount along with the average cost of a fire suppression system means the payback provided by this discount at best would be about 50 years!!!

WHERE ARE THE RESIDENTIAL FIRE FATALITIES? A comprehensive independent study by the not-for-profit Research and Education Foundation of NYSBA on where fire fatalities were occurring in one and two-family homes in New York State found that average age of homes with fire fatalities in this state were homes built in the early 1940's. In other words, not new homes, not even 30-40- year-old homes but homes built over 70 years ago. Why are we focused on this mandate for just new homes that are built with the latest building science technology? Is it that we do not want to discuss the fact that existing homes where remodeling is occurring and impacting over 50% of the home will soon be pushed into this mandate? Let's put this card on the table now and learn what the fire suppression advocates have planned for us next?

COMPROMISE ON TIME FRAME FOR ENFORCEMENT? My 30 years of experience representing residential and commercial builders of all types tells me that compromising on an extended enforcement date for 2 or 3 years is unacceptable and will not address the core issues discussed above. In 3 years we will still have excessive costs and serious home owner management and maintenance problems regardless how much buyer and builder education we do. A postponement in enforcement does nothing to improve the housing market conditions affected by the mandate and the fact the mandate is impacting a man or woman's castle. The real buying public needs to be heard on this and all we should do now is require builders to provide the sprinkler as an buyer option with pricing for sprinkler systems true to their local market. NO TO TIME FRAME COMPROMISE.

IN CLOSING I WOULD LIKE TO ADD THAT WHILE THE IRC NOW HAS THE SPRINKLER IN ITS MODEL DOCUMENT VERY FEW IRC COMMUNITIES HAVE CARRIED THROUGH AND REQUIRED IT. I BELIEVE ONLY TWO JURISDICTIONS HAVE ADOPTED THE IRC MODEL LANGUAGE OUT OF THOUSANDS OF JURISDICTIONS THAT GENERALLY BUY INTO THE ICC FAMILY OF CODES. INFACIT MANY STATE LEGISLATURES HAVE STATUTORILY PROHIBITED IMPLEMENTATION OF THIS MANDATE!

Many more points can be made but I leave that to other speakers and Q and A. Thank you

Opponent Message 10

From: [REDACTED]
Sent: Saturday, February 22, 2014 12:34 AM
To: Blanke, Mark (DOS)
Subject: sprinklers

please tell me where does it end? sprinklers, then what? no attached garages?
life should be much easier for the working people.

Opponent Message 11

From: [REDACTED]
Sent: Thursday, February 27, 2014 5:18 PM
To: Blanke, Mark (DOS)
Subject: Vote NO on Fire Sprinkler Mandate

Please Vote No on the Fire Sprinkler Mandate. The cost for each house is way too much.

Thank You,
Donald Marx

[REDACTED]

Previous message resent:
Mr Andrews,

I am opposed to the proposed Fire Code requirement of a fire sprinkler system to be installed in residential homes.

This is too costly! I am a Builder and a home owner. My property taxes will go up. Low income people will not be able to afford a home. New homes will cost an additional \$10,000 plus. There will be more cost to home owners to maintain the system.

Thank you for reading my thoughts.
Donald Marx

[REDACTED]

Opponent Message 12

From: Philip Nanula [REDACTED]
Sent: Friday, February 21, 2014 9:18 PM
To: Blanke, Mark (DOS)
Subject: Please Oppose Fire Sprinkler Mandate Now!

ALBANY--The New York State Builders Association (NYSBA) is calling on the New York State Code Council to reject an attempt to mandate installation of fire sprinklers in all new one and two-family homes in New York State.

A Siena Research Institute poll released last spring showed that Upstate New York, where far more people live in one and two family homes, opposes a fire sprinkler mandate in all new one and two family homes by an overwhelming 71%, while only 25% support it.

The Code Council will meet on Thursday February 27th to begin updating the Residential Code of New York State. The Residential Code will implement much of what is included in the International Residential Code (IRC). The IRC introduced the fire sprinkler mandate in 2009. Since that time 48 states have either declined to adopt the mandate or passed legislation forbidding a mandate to install sprinklers in one and two-family homes.

"NYSBA will always support stringent fire safety code changes when they make sense, such as hard-wired, battery operated, smoke alarms," stated President Mark Barbato.

"However, as a society, we cannot afford to deny needed housing for the sake of new requirements without proven benefits. While they should remain an option for home owners who choose them, fire sprinklers in single-family homes are expensive to install, can be difficult to maintain and do not represent a cost-effective safety improvement over smoke alarm systems."

Because of changes in residential construction technology, improved building code requirements - especially for electrical and smoke alarm systems - consumer behavior and the concerted efforts of fire fighters, home builders and other safety advocates, the number of fatal fires has dropped dramatically in the last 20 years.

NYSBA issued a report that looked at fire related deaths in 1-2 family homes in NYS between 2000-2006. The report showed that the average date of construction of the houses involved was 1940, and 86% were constructed before 1986 when smoke alarms were mandated.

The argument that we have to start somewhere misses the point, as homes built today will still retain the newer fire safety construction standards by which they were built. It is the homes built to older codes that are more dangerous. Installing fire sprinklers in new homes starts in the wrong place.

Fire sprinklers will drive up the already expensive cost of housing for a New York consumers by \$10,000 to \$20,000 for installation (National Fire Sprinkler Association's figures), and cost even more for individuals not on public water. This does not include maintenance and special circumstances, such as pressure boosters and water tanks.

Sprinkler costs do have a dramatic negative impact on housing affordability. For each \$1,000 added to the price of a home, another 250,000 potential homebuyers are forced to remain on the sidelines. New York's housing market is showing signs of coming out of the worst decline in history. This mandate will send it spiraling downward again.

NYSBA has supported legislation that would require builders to provide prospective homebuyers with literature on the benefits of fire sprinklers, and let the buyer decide if they want them installed. Fire officials, for whatever reason, are opposed to this fair-minded proposal.

"We strongly believe that the Code Council should follow Governor Cuomo's lead and make New York State 'open for business.' The best way they can do this is by keeping the fire sprinkler mandate out of New York," stated NYSBA Executive Vice President Lew Dubuque.

Opponent Message 13



February 24, 2014

Mark Blanke
Division of Building Standards and Codes

Dear Mark Blanke:

Mr. Mark Blanke
Mark.Blanke@dos.ny.gov
New York State Department of State
Division of Building Standards and Codes

Re: Support of Residential Sprinklers in New Construction

Dear Sir - I've removed the copy-and-paste letter from FASNY from this form, and wanted you to know that I do NOT support residential sprinklers in all new construction in NY. I live upstate, in Cooperstown, and do not have municipal water. If my house were to catch on fire, my well would stop working about the same time the power went out - and the very expensive sprinkler system would be useless.

I am a rural firefighter, and I do not support this proposed change, as I feel it is an undue burden placed on homeowners, when less expensive options like better smoke detectors, fire resistive construction and mandated fire extinguishers would be more effective in preventing property loss, injury and death.

Sincerely,

Eric Pierce



Opponent Message 14

Dear Mr. Andrews:

I write this email to you in opposition to the adoption of a building code requirement for fire sprinklers in new one and two family homes. I am a home builder in the Mid-Hudson Valley. Our business is a family business that has been doing business in New York for more than 50 years and I have been running the company, along with my brother, for almost 30 years. I am going to leave the more technical arguments against this mandate to others and focus my letter to you on more macro issues.

1. The cost of doing business in New York is very high. We have extraordinarily high costs on account of a cumbersome process to obtain land use approvals, due to a strong environmental lobby on the regional and local level, SEQRA laws which make the process very time consuming and a Home Rule system that allows the politicization of zoning laws and land use review on a local level rather than dealing with these reviews more professionally on a regional level.
2. The cost of land development in New York is unusually high. NYS DEC has very stringent requirements regarding, among other things, storm water treatment, wetlands protection and endangered species protection that are very costly. Also, in general, New York State zoning laws (outside of New York City) do not allow the density that many other areas allow, so that the costs of improvements cannot be allocated among more building units.
3. The energy code standards have been and are being raised significantly, driving up building costs in a meaningful way.

On the other hand, the housing market in most of New York State (outside of New York City), has not recovered in any meaningful way. New York State contains some of the most depressed markets in the United States. Our market in the Mid-Hudson Valley remains very depressed, with recovery only at the lowest price points, below that which most home building can be targeted. The reasons for this are clear. New York is not only expensive to do business in. It is expensive to live in. We have very high taxes on every level, but especially on the local level. New York State, outside of New York City, has very little job creation. We have a population that retires and leaves the State so that it can take advantage of lower costs of living. We do not have enough of the drivers to create a healthy housing market.

Into this unsatisfactory mix, we are discussing whether to mandate fire sprinklers. Without question, this will increase the cost of new housing in New York, and significantly so. The sprinkler lobby says the cost is only a few thousand dollars, but we know this is a greatly understated. The need for sprinklers is not justified by any cost-benefit analysis. It is another unfunded mandate to be passed by the State, this time not on to local government but on to individuals. Our company has never had a customer even request a price for fire sprinklers. I have never spoken with another home builder who has ever installed fire sprinklers for a customer who chose them on an optional basis. The need for the sprinklers is not consumer driven – rather it is driven by a group of lobbyists.

There are many additional arguments about greatly improved fire protection in new homes under the current Code. About enormous reductions in mortality rates from residential fires from improvements made under current and past Codes. About increased costs of housing driving it out of reach of many consumers. About the State requiring something people clearly don't choose to spend their money on.

Please consider these thoughts when making your decisions. New York is not very competitive with other States now. Let's not make it even less competitive, especially when the need for this very costly item is not even clear to the consumer.

Thank you.

Steven E. Rieger
Rieger Homes, Inc.


srieger@riegerhomes.com
www.riegerhomes.com

Opponent Message 15



February 25, 2014

Mark Blanke, P.E.
Assistant Director of Code Development
New York State Department of State Division of Building Standards and Codes
One Commerce Plaza
99 Washington Avenue, Suite 1160
Albany, NY 12231

Dear Mr. Blanke:

On behalf of Unshackle Upstate, a non-partisan, pro-taxpayer, pro-economic growth, education and advocacy coalition made up of business and trade organizations from Upstate New York, I write to you to express our opposition to the proposed requirement of residential sprinklers in newly constructed one and two family dwellings.

We strongly believe that if adopted, this costly mandate will have an adverse effect on the Upstate economy – particularly the real estate and construction industries both of whom are just beginning to rebound from the recent national and state recessions.

The New York State Builders Association estimates that the requirement of fire sprinklers will increase the cost of housing by \$10,000 to \$15,000 per installation, which will hinder many New Yorkers from realizing the dream of owning their own home. In addition, 48 other states have rejected similar mandates.

Our organization is committed to improving the state's economy through the creation of private sector jobs, lower taxes and reduced mandates. We implore the New York State Code Council to avoid adopting this unnecessary and burdensome regulation, which only increase the cost of purchasing a home and conflicts with recent efforts of Gov. Cuomo and the Legislature in reducing taxes and making New York more affordable.

Sincerely,

Brian Sampson
Executive Director
Unshackle Upstate



2339 MILTON AVENUE • SOLVAY, NEW YORK 13209 • (315) 468-1358 • FAX (315) 468-0755

February 7, 2013

Mr. Ray Andrews
Assistant Director of Code Development
New York State Code Council

Dear Mr. Andrews:

We are calling on the New York State Code Council to reject a special interest driven attempt to mandate installation of fire sprinklers in all new one and two-family homes in New York State. Currently 48 states have either declined to adopt the mandate or passed legislation forbidding a mandate to install sprinklers in one and two-family homes.

Sciuga Custom Builders is a small, family owned business and we have been building homes since 1966. We have 10 employees and do business with over 100 subcontractors, vendors and other local businesses. The majority of these businesses are also small businesses that will be directly and negatively affected by this mandate.

From January 2010 to present we have built 57 homes in Central and Northern New York. Nineteen of those homes were started as spec homes and we elected not to add fire sprinklers to our spec homes.

Our homebuyers for the remaining 38 homes went through an extensive selection process. They selected items from roofing and windows to countertops and carpet and everything in between. In January 2010 we added the option to include fire sprinklers. Every buyer that we've worked with since that date has been offered fire sprinklers in their home and not one of them has elected to add fire sprinklers. Out of the 38 homebuyers only two even asked for further details and once a quote was provided they declined this option as well. Included with this letter are the fire sprinkler selections that our homebuyers have signed to date.



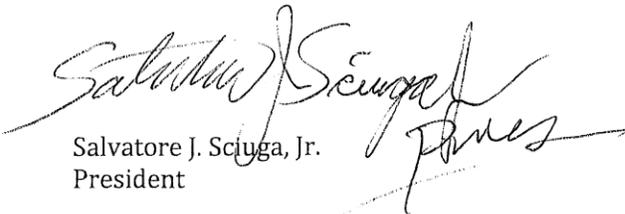
Because of changes in residential construction technology, improved building code requirements – especially for electrical and smoke alarm systems – consumer behavior and the concerted efforts of fire fighters, home builders and other safety advocates, the number of fatal fires has dropped dramatically in the last 20 years. The argument that we have to start somewhere misses the point, as homes built today will still retain the newer fire safety construction standards by which they were built. It is the homes built to older codes that are more dangerous.

Installing fire sprinklers in new homes starts in the wrong place. Fire sprinklers will drive up the already expensive cost of housing for New York consumers by \$10,000 to \$15,000 for installation, and cost even more for individuals not on public water. This does not include maintenance and special circumstances, such as pressure boosters and water tanks.

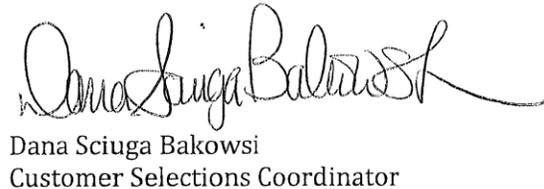
Sprinkler costs do have a dramatic negative impact on housing affordability. For each \$1,000 added to the price of a home, another 250,000 potential homebuyers are forced to remain on the sidelines. Twenty-nine of the homebuyers that we offered fire sprinklers to are military families stationed at Fort Drum. The vast majority of these families would not have been able to afford their homes if sprinklers had been mandated when we built their homes.

New York's housing market is showing signs of coming out of the worst decline in history. This mandate will send it spiraling downward again. If Governor Cuomo truly believes that our state is "open for business" we must keep the fire sprinkler mandate out of New York.

Sincerely,



Salvatore J. Sciuga, Jr.
President



Dana Sciuga Bakowski
Customer Selections Coordinator

Enclosures

Opponent Message 17

From: Todd Stewart [REDACTED]
Sent: Saturday, February 22, 2014 5:24 PM
To: Blanke, Mark (DOS)
Cc: [REDACTED]
Subject: Please Oppose Fire Sprinkler Mandate Now!

Hi Mark,

This is Todd Stewart, President and owner of Stewart Construction Inc. in Burnt Hills, and Immediate Past President of the NYS Builders Association. I have been in the building business since I was a kid; my father started building houses in 1970. His name is Richard Stewart. He turns 74 this year, and still likes to be around the jobs- he's my best trim-man. He is also a volunteer firefighter, a past chief and commissioner of the Burnt Hills Volunteer Fire Department, where he has been a member for 53 years. He has heard all the arguments for and against automatic sprinklers. Here is his simple take on it (paraphrasing): smoke detectors save lives, not sprinkler systems. By the time a sprinkler system has detected the amount of heat necessary to trigger it, anyone still in the building has probably been overcome by smoke. Smoke inhalation is the main cause of death in fires. So don't let anyone tell you that all firefighters are in favor of automatic sprinklers.

Our company has installed automatic sprinkler systems before. In a home in Burnt Hills, before there was municipal water. We had to, as the home had a finished third floor. The system has a buried storage tank and pump system in addition to the typical piping and distribution system for the sprinklers, because the well pump could not produce enough pressure for the system. The cost, *in 1999*, was over \$15,000. Not sure what that is in today's dollars, but it is much more than the proponents of sprinklers claim. Now think about how many of our homes in this state are built with wells, not municipal water.

If the proponents of sprinklers really wanted to make a difference, they would expend their energy on getting smoke detectors installed in our existing homes that do not have them, because most fatalities occur in homes without them.

Thank you for your time.

Todd B. Stewart, CGB, CGP
President, Stewart Construction Inc.

[REDACTED]
todd@stewarhomebuilders.com
www.stewarhomebuilders.com

Past President, Capital Region Builders
& Remodelers Association
Immediate Past President/ NAHB State Rep.
New York State Builders Association