

**Fire Code TAG
Meeting Notes
DES Building/Olympia
April 20, 2012**

The Chair, Dave Kokot, called the meeting to order at 10:00 a.m.

1. Welcome and Introductions

TAG members present: Dave Kokot, Allen Spaulding, Barbara McMullen, Corey Thomas, Daniel Shier, David Nelson, Diane Glenn, Hank Teran, Jim Kambeitz, Joe Puckett, Margie O'Brien, Shawn Shepherd

TAG members absent: Lee Bailey, Michael Montgomery, Robert Eaker

Guests present: Janet Schmidt (School's Out Washington), Jim Tidwell (Fire Equipment Manufacturers); Jeff Henderson (Amerex Corp.)

Staff present: Joanne McCaughan

Agenda approval: Agenda was reviewed and approved.

Minutes approval: Minutes of the April 6th meeting were reviewed and corrected with the addition of Dave Kokot to the list of TAG members present. The minutes were approved as modified.

There was a brief discussion on meeting dates; will reschedule May 18 meeting to May 21 or 23 as Dave and Joanne are not available.

Dave will review several proposed language modifications including for Type-one Hoods, basements, and medical gas.

4. Solar PV Systems

This issue is larger than just the Fire Code, it will impact other codes. It will need to go to the BFP with a recommendation for approval of a special issue TAG; this will provide an opportunity for stakeholders who are most familiar with this industry, and the related safety standards and building issues to come together to review the issues and identify a proposal to move forward. Clearly the group would not be able to meet the deadlines for adoption this year. It must be a fair process for everyone who is affected including the industry, local officials, and the public; whatever is developed must be enforceable, reasonable for the industry, and prudent for the citizens of the state. The recommendation would also include non-adoption of IFC 605.11 at the current time. There is some correspondence in the Building Code that will also need to be addressed by that TAG.

Jeff Randall, speaking on behalf of other WA state solar representatives who have been working together; they concur that more work should be done on the issue and believe the issues have only been examined from the perspective of the Southern California firefighters, and that is what the ICC language is based upon. He noted that different codes are addressing solar issues in different ways, and that whatever is developed must also meet the needs of the industry; it has to make sense. There was a recent meeting where discussion occurred about the differences between solar in CA and WA; a basic factor is the amount of sun, another is the way houses are constructed in WA compared to CA; we may have a smaller footprint with multistory; in CA ranch style is more typical due to their climate. There it is an almost one to one ratio of space to work with; here, with multistory there is less roof space only a half or third of the sq ft. in terms of footprint. It makes a huge difference in the way things are designed.

Dave checked for consensus to allow for a recommendation to have a special TAG meet and develop language, and clarifying we would recommend non- adoption of section 605.11 for now. Shawn added that there is an electrical issue for L&I to deal with; he suggested we ask for representation from L&I to work with the TAG. Staff will ensure that the rules documents show that those section(s) are not adopted. We will also need to check residential code/building code for any corresponding language that needs to be addressed.

Jim asked about the process and whether there will be any impacts; the rest of the code would be adopted as amended. Local officials could use this as a guideline, but our code would be silent. Locals could look to other jurisdictions to determine guidelines. Consensus was reached to table the proposal and forward to the BFP Committee; the committee will review the recommendations and ensure consistency with other codes; the Council will determine what goes forward to public hearings. Jeff asked for clarification on when the special TAG would meet and when the new language would be adopted. Dave noted we would delay developing and meeting with that TAG until later this year.

Shawn added that in the states that have looked at this issue, it takes 8 to 10 months to resolve the issues. Dave added we will need to take enough time to get it right, but will look to other entities who have had experience as well. It may become a sub-TAG under the Fire Code TAG, but that is up to the Council to determine.

5. Proposal Review

11-025: Sprinkler Requirements in Group E. Janet Schmidt attended the meeting specifically to address proposal 11-025 and the issue of licensed child care programs housed in schools. In this case, there is no change of use, the children just move down the hallway to be supervised by a different entity; they remain in the same building. There has been very little coordination with DEL to date; based on a review of DEL data, Janet estimated there are 570 such programs; 90 percent of them are in schools. Alan S. had a discussion with DEL, they are in support of the proposal; they will want to move it to the existing buildings chapter of the 2012 Fire Code; that would clarify that it is specific to existing facilities. He also noted that these programs often are running in an abandoned school buildings, with permission from the district. That is where there are still some issues; local officials could determine it is not a E occupancy at the present time, then they could apply the current codes. It takes care of the existing E occupancy with-in

schools; he supports the proposal with that clarification. He doesn't know if the intent was to use the older schools. Dave did look at the FM office; if they have been vacant for more than 30 days it must meet the current code to get a license.

Barbara noted changes in her proposal; it would allow the schools to run the programs even when school is not in session, and it clarifies children who are school age (not 2 ½ years of age). Allen clarified scoping language comes out of the state Fire Marshal's WAC; a new facility must meet current codes and standards as adopted (including those vacant more than 30 days or more). Must ask what are the requirements for existing buildings; it is a scoping issue. He disagrees with the SFM about how it should be applied; he believes it belongs in the existing buildings chapter. Jim agrees; they will need to deal with all the different requirements in 2012. Allen proposes a modification to clarify that it is not just the sprinklers, it is for the entire group of requirements for new construction. In the existing building chapter it is clear not everything is to be in accordance with new buildings. Jim doesn't think it should fall into the existing buildings chapter as there are no requirements for group E; some things would need to be added, e.g., alarms in certain cases. Allen notes section 1103.1 there are exceptions in the table, could add the after school program is there. Jim added that he would want to check the entire chapter; Barbara clarified they are only using the premises of the childcare itself. They are small programs, they don't have the resources to update the entire school. Allen notes if there can be retroactive requirements to be sprinklered, why don't they go into all the schools and have sprinklers installed...Dave clarified that DEL has licensing requirements, that is the conflict; we are just trying to clarify the requirements for the licensing agency. As they are being proactive, we don't want to have to force the sprinkler issue. We just need clarity, it is a question of how to resolve it. No one is arguing we can't solve the problem, it is a matter of how it is resolved. Chapter nine is not the right place for this; we are dealing with an existing facility. Allen agrees we need to find the right location. Looking at Table 1103.1; we would need to add a whole new line to the Table. Dave pointed out that our Fire Code is not the problem, we are trying to accommodate the state enforcement agency; it is apparently easier to change it here within the Fire Code than to change that agency's WAC. Allen looked at WAC 170-151, there is no direction is meeting current requirements; it state the SFM "will adopt standards." There is nowhere in the SFM WAC that it says they will need to meet current codes.

Paul Schroer of the WSFM office discussed the exceptions in the code for schools; he is not looking for any loopholes in the schools. When programs want to come in before/after school requiring sprinklers doesn't work, it will impede the availability of on-site care. Shawn noted chapter 11 is built from 2 perspectives; compliance is at a minimum standard. Don't always move into Ch 11 if the building doesn't have a different character and use. For the FM the question is whether there is a different character and use. It is fundamentally a question of where the path exists. Hank feels the code itself is not the problem, it is an administrative issue.

Shawn noted portables could potentially be a big problem; he keeps the after school program out of the portables. Dave N. asked about how long the licenses are good for; Janet replied that it used to be every 3 years, now it is perpetual; there are triggers for re-licensing if different parts of the school are being used. Dave N. noted it would be best in his view if it is perpetual, rather than having to be continuously updated. Dave K. noted there needs to be cross-training among the

stakeholders; once it is issued a license it is an E occupancy; now that they are being reviewed, the FM looks at it as a new license. New requirements will continue to be a problem, so they could focus their efforts more globally. Determine what the FM office is considering.

Dave K. suggested that the proposal not be approved, but that the Fire Marshal's office re-writes their WAC in coordination with the SBCC. Other TAG members agreed; Paul stated safety of children is priority #1. In the code, things need to be better defined. It would be best to tie it to the code, but we may also need to get DEL and FM WACs coordinated on the issue; he has been in the schools where the programs exist. The school admin can change the conditions arbitrarily. Dave K. wants to have consistent application of the code, and when the licensing requirements are different, it poses a problem. It is a more global discussion, the TAG would only be putting a bandaid on the problem; Jim asked if it is more of a policy issue. Paul pointed out the constant changes in the code complicate the issues. Diane shared that her concern was met by this discussion.

Janet requested clarification; under HB 1776 in 2010 we were directed to do an interagency process (DEL was the lead agency). We are coming to consensus on the issue; we need to investigate the issue of the legislation. The proposal that is before us is only an interim measure; take care of the symptom, not the cause. The Talley proposal was meant to be the solution to HB 1776. Janet wants to know what the next step is to get this resolved. Dave notes we don't believe we need to change our Fire code; they will have to bring it back. The TAG could provide a summary of the concerns and discussion; it is an interagency issue, the Fire Code is not the place to resolve it. Consensus was not obtained to forward this proposal on to BFP currently. Paul realized that there is a need for more time to figure out what their next step should be; they want to reconsider some of the elements and bring changes back to the TAG. A motion was made to table the issue for 2 weeks, until the May 4 Fire TAG meeting; motion carried.

12-009: Fire Extinguisher Monitoring; Craig Voelkert spoke in opposition to the proposal. The cost is prohibitive. It is inappropriate to require these. The electronic monitoring in NFPA 10 sends a trouble signal; not all report to central stations. If they were to adopt the proposal as written, extinguishers would need to be monitored; alarm systems are separate from monitoring systems; there would be multiple people involved with the systems. It would be similar to situations where sprinklers are installed and monitored by different people; it can be problematic.

It will be a large impact on the local jurisdictions. Dave asked whether it would be acceptable for new construction. Dave N. stated he agrees the monitoring cost is high, but they are monitored monthly now. Jim notes it is a policy question, depends on what the local jurisdiction decides. Dave notes they have central monitoring system in Spokane; Hank pointed out if every individual entity in a strip mall would have to have a system it would be very expensive.

Dave pointed out that additional economic analysis and information would be required for this to go forward. He asked for other TAG members to weigh in; Diane prefers additional cost analysis be provided before a decision is made to reject it. Dan thinks monitoring is a waste of time and money; several others agreed and pointed out there is not enough information. Hank suggested modification of the proposal. Dave agreed that is an option for the TAG, but Shawn pointed out that the missing information is a problem; Diane concluded we should not try to modify this, it is

a waste of time. Dave N. agrees we should leave the codes alone as much as possible. Dave added that although the construction costs were addressed, there was no information on the long term life cycle costs; he recommends rejection. Hank asked what if there were options in the code and the FM could require monitoring; could it allow for new technologies. Jim believes that already does exist. Dave wants to allow another tool to require monitoring for a particular facility. Craig V. noted that there are some places where it is appropriate; they can already mandate these be installed if they want to. With current authority they can get there when needed, without a mandate. It is not worth the extra cost to provide monitoring in every case; in certain situations it is done to achieve loss of theft of the extinguishers. It was pointed out that this technology is only owned by one company, and that is problematic. Dave thinks they are close to getting to a decision; the question is whether the proponent had time to provide information. However, as they did not send anyone to discuss it further, Dave asked for consensus to reject. Consensus was achieved.

12-002: Referenced standards.

The proponent is not present; this proposal deals with the referenced standards that are cited throughout the codes; the proposal is attempting to establish that local jurisdictions must acquire many reference documents to be in compliance with the code. It was pointed out that the design professional provides assurance that their design is developed in accordance to the standards cited and that they are using the appropriate standards. According to the proponent, in central WA it is nearly impossible for the locals to confirm compliance with the required documents as they are not available.

Shawn replied that many if not most of the documents are available on-line, e.g., through NFPA as read-only versions. Hank noted he has never had a problem getting documents. Dave added that if we are going to enforce it we ought to know what it is; his experience has been positive working with the various entities they work with. Sometimes smaller locals will call Spokane for assistance; that is also happening in other areas of the state. Certain federal documents cited in the proposal are also freely available. Corey pointed out that section 104.7.2 allows the code official to ask for technical assistance. Shawn concluded this proposal is worthwhile; Dave asked for others on the TAG (those who are not code officials) to weigh in. How are they impacted? Allen asked if it is correct that the SBCC is the adopting authority, and if those standards are available to us. He noted that at Construction Review they have many standards, but not all that can be required. Jim notes he can get information when it is needed; Shawn added that with the signature of the licensed Architect, it provides assurance that they are in compliance with the stated standard. Dave adds they are protected on the review side; smaller jurisdictions may be unaware of the standards, they may need to reach out for assistance from a consultant or from a larger jurisdiction. Adding this to the code would not improve the code, in fact it might adversely affect the implementation. Jim believes local are already authorized, they can go in several ways to get what they need. Allen is not in favor; it might put the onus on him. Diane doesn't think it is in her purview, and is not sure how would it help to improve the code. Dave called for consensus to reject. Joe asked if the rejection would imply that the locals would be required to purchase the manuals; the answer was 'no'. Consensus was reached to reject the proposal.

6. Upcoming meetings/issues.

May 4 – CO Alarms; Joe Puckett is not satisfied that the CO TAG has resolved the issues. The dates for which multi-housing must have alarms installed. It needs to be discussed further at the next meeting. Dave notes it will be done, but there may need to bring back the CO Alarm TAG to meet and discuss the issues.

Photo-luminescent markings in high rise buildings. This was in Chapter 46, now it is part of Chapter 11. Needs to be revisited in accord with the 2012 language and determine if the emergency rule needs to be carried forward, i.e., whether the errata has been corrected, or if our amendment should be retained. Will the 2012 language be appropriate, or will we need to make an amendment for permanent rulemaking. If the language is corrected in the 2012 IFC, we would need to carry forward the existing emergency rule until the 2012 IFC is implemented. In that case, it would be appropriate to adopt that section of Chapter 11 without amendment.

7. Matrix review – need proposed language from TAG members on issues/existing amendments that need to be revised.

8. NFPA 99 – revised language?

9. a) Basement Sprinklers; 903.2.11.1.3

Discussion occurred at the last meeting, reviewed the Spokane language; there is concern about modification of basements in terms of obstructions. This language provides the opportunity for the 75 foot travel distance to remain as the requirement; it is only beyond that distance that it is required. Jim notes it was clarified that it only applied to new construction within basements. The purpose is to resolve the issue of hose streams. Diane asked for clarification on the type of obstruction. Dave noted it must restrict someone from walking; Jim added that a small wall would not necessarily be very restrictive. Joe was concerned about inconsistent application in reference to 1103.5, and suggested a reference to 903.2.11.1.3; Allen noted it would not apply unless there was new construction in an existing building; he is aware of some facilities that are still dealing with hose cabinets, they have built-in obstructions, etc. on higher floors; they are not required to sprinkle. Dave N. suggested additional amendments might be needed, but Shawn noted it is being put forward specifically for basements due to a high potential for firefighter injuries. He wants to modify the language to state 'similar' obstructions.

9. b) Medical Gas issues 5306.1 and 5306.4

Dave, Al and Jim came up with new language to address the issues. For medical gas, their proposed language will help with jurisdictions that are dealing with different versions of the code. Shawn notes that the code does not specify what 'maintenance and testing' means. Jim notes that in Chapter 9 there is a section on inspection, testing and maintenance; Shawn added it is a universal set of expectations in NFPA, a very specific delineation. Jim agrees that stating the standard is the expectation; Shawn wants the definitions to be understood. Dave believes that the proposed wording resolves the issue. It refers directly to the maintenance and testing requirements of NFPA 99. Joe P. noted that the proposed language on section on 5306.1 may be

problematic; it would restrict what the requirements are in terms of compliance. It would only need to add the word 'new' in the exception.

5306.2.1 – Shawn has problems in how to interpret this section; has seen it done many different ways, and should be left up to the local jurisdictions. This is an issue that should be done at a higher level. Shawn will check with his contacts.

609. 2 – Table from 507.2.2 from Mechanical TAG. Check with staff to determine if the Mechanical TAG has acted upon this table yet. If so, what is the result?

903.2.3 – Group E – portable school classrooms – need to have input from Tim N. for the history on this issue; they will need to confirm with Tim whether the occupant load was being considered. Is it 'any' occupant load; Shawn notes they base their decisions on square footage. They have collapsible walls; he believes the occupant load is not applicable. Otherwise it is problematic. Shawn noted that there are times when they have sprinklers pulled out because there is no water available. Dave thinks this will just be a clarification, and most don't have water. Dave N. asked if the total of 49 occupants would be exempt from sprinklers. Dave and Shawn noted that is correct. Look for the interpretation for Jim K.

Note for the proposal that was sent in late; we cannot make an exception for the situation requested by Chad Lawry. We wish him well at the national level with this issue.

Diane stated she reported out to WABO about the Fire Code TAG; they had some questions about the PV issue; this will be recommended for a special TAG and it is likely that WABO would be represented in that effort.

Barbara McMullen – update on the childcare in schools discussion (ongoing among the staff of the SFM during the TAG meeting); she noted that the exception came from the legislation to exempt all childcare in schools. The only exception is for sprinklers. Jim's question was what other safety requirements in existing school buildings were to be exempted; she reported the outcome was that all other safety requirements would remain in place.

Angela St. John of the SFM joined the discussion around 11-025. Dave noted that the history was unknown; there was concern about only exempting one part of the requirements. Angela noted the SFM had been doing the initial inspections. There were changes in the occupancy classes, with different requirements; it created issues for inspectors. In the WAC they were treated as a new occupancy; now when they do the inspection they are not automatically grandfathered in. They are currently required to install sprinklers; there was a legislative move to just exempt them.

It was pointed out that they would not meet the codes today in the older schools. The largest expense was sprinklers, but if they could meet all the other requirements then they could be exempted from sprinklers. Could be grandfathered under the code with no protection, not even fire alarms; it would have been allowable in that scenario. Dave notes a problem dealing with DEL; he has a facility with a CO, they meet the code; however they do have to meet other requirements to get licensed. If a facility has a CO and meets the code, why should they not be granted the license? It was a different occupancy class; that's not the case now.

The dilemma is that the same kids are in the same building for both. Jim asked about their intent, to go back and make sure that everything else is up to code for the building. Angela stated that there is a part of the life safety that they need to meet. Jim noted the emergency voice communications will be required to have updated systems put in place; will that be a new requirement. He is comfortable as long as they move forward with other protections. Angela notes that private businesses have to meet the code now; Barbara added there are schools that are over 100 years old, it is concerning to SFM if they would not be required to meet the safety requirements. Joe asked if it can be assumed that the building in its current condition should be able to operate as a school, but as a child care it may or may not be appropriate. Angela replied that it used to be that way. Allen asked whether a 'new facility' means a facility being occupied for the first time. There are issues related to vacant facilities. He wants to know how this would apply to after school programs. Where do new after school programs fall in? If they are being placed into the school, if they are not occupied during the summer, etc. Barbara noted that SFM is only notified when a new applicant comes in for a license at DEL.

If the SFM decides not to go forward to the Council, they will still need to move into the WAC they have to address. Dave notes the more discussion they have, the more problems they find. He noted we still have two weeks before the next meeting, WSFM can look at alternative language; he is concerned about the idea that there would be erosion of safety issues in the future. Angela does understand that concern; they also want to make sure that child care is safe. They are not sure what the right solution looks like; they would appreciate guidance. Diane asked why this approach was taken, rather than going to their own WAC. Barbara noted they were trying to keep it clean, Diane asked why they went to the code. Dave assigned the TAG to think of alternatives in lieu of not accepting the proposals at all. We will see if we can come up with anything helpful.

Adjourned at 2:40 p.m. Next meeting is May 4; will send out minutes, proposals and identify location.

Note: need to tally the TAG members for the final meeting date: May 21 or May 23 (if needed).