

TESTIMONY OF CHIEF OF FIRE PREVENTION THOMAS JENSEN

FIRE DEPARTMENT OF NEW YORK

BEFORE THE CITY COUNCIL

COMMITTEE ON
FIRE & CRIMINAL JUSTICE SERVICES

April 15, 2008

Good morning, Chairman Martinez and Committee Members. My name is Thomas Jensen and I am the New York City Fire Department (FDNY) Chief of Fire Prevention. I am pleased to have the opportunity to speak with you today in support of Intro 732, the proposed revision of New York City's Fire Code. With me today are the Department's Legal Counsel, Julian Bazel, and the Director of the Fire Code Revision project, James Hansen.

When FDNY Commissioner Nicholas Scoppetta testified before you two weeks ago, he described the extensive Fire Code revision process, major revisions to the Fire Code, and the steps the Department took to ensure that comments from industry groups and the public were fully considered and, when appropriate, included in the revision. Today I would like to briefly update you on some additional issues and to advise you of what has occurred since we last met.

The Uniformed Fire Officers Association recently endorsed the new Fire Code. We are very pleased to have the backing of the fire officers who oversee so many aspects of the Fire Code's enforcement, and we thank them for their support.

As the Committee is aware, the Department would like the new Fire Code to become effective on July 1, 2008, at the same time as the new Building Code. To this end, we have started training our Fire Prevention and uniformed personnel on the changes made by the new Code. Just last Friday, we held our first training session at FDNY Headquarters in Brooklyn.

We have nearly completed the environmental assessment of the new Fire Code, and the City Law Department is in the process of reviewing the document. Based on our

work to date and barring any changes to the proposed local law, we expect to conclude that the law will not have any significant environmental effect.

Finally, I would like to clarify an issue that was raised at the previous Fire Code hearing. The New York Association of Fire Equipment Distributors told the Committee that our Fire Code revision did not use the 2007 version of the National Fire Protection Association (NFPA) standard 10, which regulates portable fire extinguishers. This is incorrect. The bill in front of you, Intro 732, does in fact use the 2007 version of NFPA 10.

As always, we thank the Committee for its efforts in helping us to pass this important legislation. I would be happy to answer any questions you have at this time.



New York Fire Alarm Association Inc.
PO Box 54 - Brooklyn, NY 11204-0054
Phone (516) 328 6932
Fax (718) 228 7940

April 15, 2008

Statement # 2 to the City Council Committee on Fire and Criminal Justice Services in relation to Intro No. 732 (enacting the NY City Fire Code).

I speak on behalf of the New York Fire Alarm Association Inc. We represent equipment suppliers, installation companies, consulting engineers and central stations primarily engaged in the field of Fire Alarm Systems. Individuals within this organization have been an integral part of the NYC Building and Fire Code development process as far back as the landmark legislation for high-rise buildings known as Local Law # 5 of 1973. Over the past years, several individuals, representing the New York Fire Alarm Association, participated in adoption of the International Building Code for use in New York City. In addition, several representatives of the New York Fire Alarm Association reviewed the proposed Fire Code, which in it's final version was made available to us one week prior to the first City Council hearing on that subject on April 1, 2008.

During that City Council hearing, representatives of the New York Fire Alarm Association presented a two - page statement, which included three most important topics, such as proposed fire protection equipment approval process by the Fire Department (in lieu of the MEA process already eliminated by the Department of Buildings), lack of testing and maintenance standards for the fire alarm systems and our recommendation for a mandatory test of all existing fire alarm systems in New York City every five years. We also submitted a sixteen (16) page list of recommendations, which we have submitted to the Fire Department on June 15, 2007.

At this point we would like to add another issue, which seems to be critical during the building construction process. The issue is inspection backlog for the fire alarm systems.

Any Construction Manager in New York City will tell you that the last approval holding the Temporary Certificate of Occupancy for any new building, is the Fire Department approval of the fire alarm system. Currently, in Manhattan, it takes up to three months to get the fire alarm plans examined. Once the fire alarm system is ready, it takes another three months to obtain an inspection date. Once the inspection is conducted, it takes two months to receive a bill for the inspection. When all pending defects are self-certified, it takes several more months to obtain the final Fire Department Letter of Approval, due to the Fire Department's internal policy that requires payment of the inspection bill before the final document is issued. Altogether, the entire process, not even counting the actual installation, typically takes up to 12 months.

At one point, the Bureau of Fire Prevention had a procedure called FA-1, which allowed Professional Engineers to self-certify additions to the existing approved systems. This procedure was intended to reduce the Fire Department inspection backlog, while allowing them to concentrate on crucial inspections of new systems. While this procedure can be still found on the Fire Department web site, it has not been utilized for several years now. This, among other factors, causes the current 3-month inspection backlog.

New York Fire Alarm Association
April 15, 2008

Unfortunately, neither the new Building Code, nor the proposed Fire Code has any provisions for self-certification of fire alarm systems by licensed professionals. We believe that re-introduction of the self-certification procedure for modification of existing approved systems, in conjunction with a proposed 5-year test of all fire alarm systems, will provide adequate "checks and balances" for the entire process.

Furthermore, we believe that if the Fire Department cannot conduct an inspection within 3 weeks from the request date, they should have a procedure in place to automatically allow qualified Licensed Professional Engineers to certify the system on the interim basis, which in turn will allow the Department of Buildings to issue a 90-day Temporary Certificate of Occupancy.

The Fire Prevention Code will be with us for many years to come. Therefore, we urge this Council to consider our previous testimony submitted on April 1, as well as this testimony, as it deliberates the adoption of this new Fire Code.

We respectfully submit that further deliberation of this Code be postponed until there is adequate time for the Fire Department to review and discuss with the Fire Protection Industry all recommendations submitted to them.

The New York Fire Alarm Association Inc.

Good Morning, My name is Robert Laga, I am Vice President of The Franklin Company Contractors, Inc., and also a Licensed Professional Engineer. I am here today to request that under the revised Fire Code, that the licensing requirements for tank installer be either maintained or to adopt the proposed requirements in the letter the Petroleum Trades Association has submitted for consideration. Currently NYC licenses Plumbers and Electricians. Tank installers should meet the same rigorous requirements.

Licensing is the only way that the city has to maintain control of this trade to ensure the safety of the public.

This control has been maintained by the FDNY through inspections and Licensing. Their effort has been stellar in protecting public safety.

As we can agree, it is our responsibility as Elected Officials and Licensed Professionals to maintain safe standards to the public to whom we are trusted.

In closing, I ask you to consider the attached letter as a guide in administering new license requirements.

Thank You for your time.
