

**Minutes (Final)**  
**Partnership for Safer Buildings**  
**DoubleTree Hotel September 26, 2002**

**Participants:**

Donald P. Bliss	President, NASFM; and New Hampshire State Fire Marshal and Director of Fire Safety and Emergency Management
George Capko	Vice President, Factory Mutual Global Research (representing Dr. Paul Croce)
Howard Hopper	Manager, Corporate Regulatory Services, Underwriters Laboratories, Inc. (representing J. Thomas Chapin)
Melissa Klein	NASFM Government Relations
Carole Milazzo	NASFM Government Relations
Joseph M. Perry	Past President, California Fire Chiefs Association; and Fire Chief, City of Napa, California
Robert Polk	Chairman, NASFM Consumer Product Safety Task Force; and State Fire Marshal, South Carolina Walter Smittle III Chairman, Partnership for Safer Buildings; NASFM Special Representative; and retired West Virginia State Fire Marshal
Peter G. Sparber	NASFM Government Relations
Karen F. Suhr	NASFM Government Relations
Amal Tamim	NASFM Science Advisory Committee; and Manager of Approvals and Standards, W.R. Grace & Company
Stephen Weinryb	Architect and Building Manager, Clarett Group (joined via conference call)

**Guests:**

Leon Bablouzian, Group Marketing Manager, W.R. Grace & Company

The agenda of the meeting is attached to these minutes. This meeting was open to the public.

**1. Approval of Minutes of August 19 Conference Call.**

The Partnership members were given the opportunity to submit changes to the minutes of the conference call on August 19, 2002. The minutes were approved unanimously without changes on motion duly made and seconded.

**2. Partnership Membership**

Mr. Smittle introduced the newest member of the Partnership, Mr. Stephen Weinryb of the Clarett Group. (Each participant was provided a copy of Mr. Weinryb's biography in the meeting packet.) Mr. Weinryb suggested that the Partnership consider additional committee representation from the construction and engineering sectors. Mr. Smittle indicated that both

Mr. Hopper and Mr. Capko were fire science engineers, and that the committee also had access to engineers via Mr. Marty Durbin's association, the American Plastics Council.

### 3. Subcommittee Progress Reports

#### *Codes Assessment Subcommittee:*

Mr. Smittle opened the floor for discussion of the Codes Assessment Subcommittee's (CAS) initial review of the International Building Code and general issues related to coverage of building codes as well as subsequent comments contributed by other Partnership members. Mr. Smittle commented that subsequent to the completion of this report, other members of the Partnership contributed comments. (These comments were distributed to the members.)

The first concern highlighted in the CAS report was that of sovereign immunity. Mr. Smittle said that a recent Supreme Court ruling on fireworks appeared pertinent to the issue of sovereign immunity.

Ms. Tamim noted that one of the important lessons highlighted in *America Burning Revisited* is that the codes committees, (in an effort to accommodate the concerns of fire safety officials that all buildings should be fully sprinklered), may have allowed for too many "trade-offs" in the building code, resulting in buildings becoming less safe. Mr. Polk noted that in the past the emphasis has been on choosing between passive and active fire protection. However, he felt that the Partnership can and should change this line of thought by promoting the importance of redundancy in fire protection. Mr. Capko said that an article by IR Thomas entitled "Effectiveness of Fire Safety Components and Systems" (*Journal of Fire Protection Engineering*, Volume 12, Number 2, 2002) addresses the issue of trade-offs. (Note: a copy of the article will be sent to Partnership members.)

The group discussed the need for a balanced approach between passive and active systems, as well as substantiation and scientific justification in building code trade-offs for sprinklers. Mr. Weinryb emphasized that standards for active systems, such as sprinklers, should be more robust and effective. He also referenced the Meridian Plaza fire as an example of how a balanced approach is needed, because in that case the passive system failed and sprinklers saved the building.

Mr. Bliss commented that there might be a problem with one of statistics cited in the CAS report. He felt that the number of states without building codes (three percent) was underestimated. There are several states that do not currently promulgate or enforce building codes. (Note: exact number of states can be verified if needed)

**Action: Ms. Suhr will amend the CAS report to reflect that several states do not currently promulgate or enforce building codes.**

Mr. Polk recommended that the CAS findings on sovereign immunity be amended to reflect that even where a building code exists, if there is no enforcement or excessively liberal

interpretation of the code, it is like not having a building code at all. Mr. Hopper suggested that NASFM poll the state fire marshals on their jurisdiction over building code issues.

**Action: NASFM staff will conduct an inquiry of each state fire marshal concerning the Authority Having Jurisdiction (AHJ) for state building codes.**

Mr. Weinryb noted that federal projects must conform with both local and federal building requirements and go with whichever is more stringent.

Mr. Sparber suggested that the Partnership request that the building code committees (International Code Council (ICC) and National Fire Protection Association (NFPA)) explain in writing why they make certain decisions concerning promulgation of the codes. Perhaps there were political and economic impacts that were considered in the decision making process. Mr. Smittle indicated that the closing date for proposal submissions to the International Building Code of the ICC is March 2003.

**Action: Mr. Smittle will submit questions to the ICC and NFPA Code Committees for explanation based on points raised in the CAS report.**

Mr. Smittle asked that the CAS report be revised to include several of the points raised during the meeting.

**Action: Ms. Suhr will submit the revised report to Partnership members and a conference call will be arranged to discuss (Note: the call took place October 11).**

#### *On-Site Inspections Subcommittee (OCIS)*

Ms. Tamim reported that the On-Site Inspection Subcommittee would begin site visits once the Partnership members approved the CAS report. The committee will determine 3 sites and will submit a report in early December. The group discussed the NFPA 13 report that explains warehouse distribution categories and determined that a potential location for a site visit might be a regional distribution center in the New York area. The Sears Tower was also suggested. Ms. Suhr asked the OCIS to pay particular attention to the issue of building maintenance and the effectiveness of active and passive systems over time.

**Action: Ms. Klein will contact the NY State Fire Administrator, James Burns, to determine whether the OCIS would be able to inspect a regional distribution center in the New York area.**

#### *Liaison Subcommittee (LS)*

Mr. Sparber reported that Mr. Bliss and Mr. Polk had attended a successful media training session to clarify the Partnership's message to the public. Mr. Bliss reported that he and Mr.

Polk attended a meeting with *New York Times* reporters Jim Glanz and Eric Lipton on building construction issues. As a follow up, Mr. Bliss and Mr. Polk agreed to help identify buildings where trade-offs exist and present a potential hazard. Mr. Weinryb informed the members that he is a building consultant for the *New York Times*. Mr. Capko indicated that he is on the Board of the National Institute of Building Sciences (NIBS) and volunteered to liaison with NIBS on behalf of the Committee.

**Action: Mr. Bliss will contact Mr. Weinryb to discuss the *New York Times* liaison.**

## **5. Deliverables for the Remainder of 2002**

Mr. Smittle asked that Mr. Perry's On-Site Inspections Subcommittee begin inspections as soon as the CAS report was finalized. Ms. Suhr noted that findings of the on-site inspections will likely result in additional information and will be forwarded to the CAS for review. Mr. Smittle also noted that the initial review of the NFPA code (known as NFPA 5000™, Building Construction and Safety Code™), will begin in October. The CAS findings on both sets of codes will be submitted to the NASFM Catastrophic Task Force and the NASFM Board for approval.

Ms. Suhr also indicated that a disclaimer to the effect of, "the results are not final and NASFM reserves the right to submit additional findings" would be added to the report.

## **6. Scheduling future meetings and conference calls.**

The Partnership will participate in a conference call on October 11, at 2 pm (Eastern) to review the updated CAS report (Note: this call took place and the updated report was finalized and distributed). The group agreed that, for more efficient planning, the schedule for conference calls and meetings should be established for the next few months.

It was proposed that the next meeting be during the first week of December\* with the location to be determined. The group suggested that the location be centered on an on site inspection. (\*Note: the next Partnership meeting will not take place until 2003.)

**Action: NASFM staff will distribute meeting minutes and details about a future proposed schedule of meetings.**

Attachment: Meeting agenda

# AGENDA

*Partnership for Safer Buildings*

*Thursday, September 26, 2002*

*10:00am - 3:30pm*

*DoubleTree Hotel*

*222 N. Vineyard Avenue, Ontario, CA 91764*

- I. Welcome and Introduction – Walt Smittle, Chairman
- II. Discussion and acceptance of minutes from August 19 Conference Call
- III. Partnership membership
  - a. Introduction of Stephen Weinryb, Clarett Group (via phone)
  - b. Other potential members
- IV. Subcommittee Progress Reports
  - a. Codes Assessment Subcommittee (CAS)
    - i. Group discussion on content of first CAS report (which focuses on easily identifiable, problematic provisions within the code.)
    - ii. Next steps
  - b. On-Site Inspections Subcommittee (OSIS)
    - i. Review of OSIS building categories
    - ii. Identification of 3 sites for verification of initial CAS findings
  - c. Liaison Subcommittee (LS)
    - i. Discussion of meetings so far with other groups
    - ii. Discussion of LS report concerning other potential groups to contact
    - iii. Next Steps on communicating with other interested parties
      1. PowerPoint presentation
- V. Deliverables for remainder of 2002
  - a. Codes Assessment Subcommittee (CAS)
    - i. Determine most appropriate way of amending the obvious weaknesses in the code
      1. Emergency provisions
    - ii. Identify less obvious, yet equally problematic safety hazards supported by the IBC and NFPA codes
  - b. On-Site Inspections Subcommittee (OSIS)
    - i. Report findings of three site visits
  - c. Liaison Subcommittee
    - i. Publicize partnerships initial findings in news and trade media
      1. Coordinate with PR firm
    - ii. Initiate discussion with key players on amending the code
- VI. Scheduling future meetings and conference calls
- VII. Adjournment