



STATE OF CONNECTICUT
DEPARTMENT OF CONSTRUCTION SERVICES



Testimony of Pasquale Salemi
Deputy Commissioner of the Department of Construction Services
Public Safety & Security Committee
March 6, 2012

Good morning Senator Hartley, Representative Dargan, Senator Guglielmo, Representative Geigler and distinguished members of the Committee. For the record my name is Pasquale Salemi, Deputy Commissioner of the Department of Construction Services. On behalf of Commissioner Defronzo and the DCS staff we would like to thank the leadership of the Committee for the drafting of (3) proposals on behalf of the Department of Construction Services.

By way of background, in 2011 Governor Malloy proposed, and the General Assembly enacted, a comprehensive reorganization of State government in order to restructure administrative operations, achieve higher levels of efficiency, eliminate duplication of effort and consolidate operations.

As part of this overall effort, Public Act 11-51 provided for the creation of a new agency, the Department of Constructive Services (DCS) comprised of the following components:

- The Design and Construction Unit of the former Department of Public Works (DPW)
- The Bureau of School Facilities and Grants of the state Department of Education (SDE)
- The building and life safety code and code enforcement components of the former Department of Public Safety (DPS)

The purpose of consolidating the major construction and construction-related services from these three agencies into one agency was to optimize the use of staff, more efficiently manage the state's school construction program and more uniformly apply and better coordinate code enforcement.

The proposals before the Committee today are offered on behalf of the building and life safety code and code enforcement divisions of the department. The Department of Construction Services (DCS) offers the following testimony regarding the three bills on the Committee's agenda.

Senate Bill 320 "An Act Concerning Fire Prevention Code Regulations"

This proposal offered on behalf of the Office of the State Fire Marshal intends to revise the recent statutory sunset provisions for certain statutes that involve various hazardous chemicals and materials. The statutes enabled regulations for fire prevention and safety.

Public Act 10-54 extended the adoption deadline to January 1, 2013. The new regulations will not be developed and incorporated by the January 1, 2013 deadline due, in part, to the recent reorganization of various state agencies. The existing independent statutory authority for the regulations needs to remain in place until the regulations are developed, the multi-stage approval process required for regulation adoption occurs, and the new regulations legally incorporated into the State Fire Prevention Code. The extension of the effective date will allow the Commissioner of the new agency together with the State Fire Marshall, and in conjunction with the volunteer Advisory Committee established pursuant Connecticut General Statute 29-291a (b) for the State Fire Prevention Code, to revise the State Fire Prevention code and present the revised code through the legislative regulatory approval process before the current statutory authority sunsets.

These statutes promulgate codes which regulate the installation and operation of such things as natural gas piping and equipment (C.G.S. 29-329), and flammable and combustible liquid storage (C.G.S. 29-320). Failure to extend the current sunset dates in these statutes will create a period of time in which these codes will not exist until they are revised and adopted into the Fire Prevention Code. This loss will impact public safety as both state and local code officials will be left without an enforceable code for these items. The loss of these codes will also impact the State Building Code and the State Fire Safety Code, both of which reference these codes.

This proposal would allow the agency to remain current with recognized national codes and standards pertaining to hazardous materials without dealing with approximately 10 separate regulations that require coordination between them. This proposal provides an extension of time for our newly created agency to accomplish this task. All stakeholders have been instructed that this process must be completed as soon as possible, that is why the language before you today states "January 1, 2015 or adoption of regulations, whichever is sooner."

Senate Bill 327 "An Act Concerning Fire Safety Enforcement Official Certification"

This proposal is offered on behalf of the Office of Education & Data Management and the Office of State Fire Marshal. The proposal intends to streamline the process for the certification of fire safety enforcement officials and to remove administrative inconsistencies.

Presently pursuant to the statutory language C.G.S. 29-298, after completing a recognized training program, the Office of State Fire Marshal (OSFM) certifies as "eligible to be certified" and once hired, we must then issue a second certificate as "certified". The inconsistency is that the statute does not allow a community to hire an individual unless the person is "certified".

Eliminating "eligible to be certified" status eliminates the need to keep records of a particular area. It makes processing of credentials uniform and more efficient. The individuals who have passed the certification examinations, but are not appointed (employed), would be certified. Certification would be based on successful completion of credentialing exams, which is similar to Building Officials. This would make the processing of credentials uniform and more efficient as well as eliminating additional record keeping. Regardless, our continuing education requirements apply so they can remain 'eligible to be certified', thus resulting in a high level of candidates.

This proposal will allow a community to readily appoint a person to the role of fire safety official without the need for 'state' paperwork intervention."

Senate Bill 323 "An Act Concerning Crane Operations"

The United States Department of Labor's Occupational Safety and Health Administration recently approved a historic crane standard, "1926 subpart CC", in which every operator of cranes involved in construction, demolition, or excavation must be certified or licensed and they must be retested for knowledge and skills at least every five years. These new standards were developed in response to outdated rules last updated in 1971, and in response to the number of crane and derrick operator fatalities in recent years. These revised standards are the product of over 12 years of industry experts developing recommended changes and receiving public comment and consensus on crane and derrick operations.

My staff was approached by the Crane Operators Board as established by C.G.S. 29-222 shortly after the agency consolidations. The Board, while still part of the Department of Public Safety, had begun the process of making the changes to the Connecticut statutes in recognition of the new OSHA rule. It requested that DCS assist in the drafting and

proposing of these changes that are before the Committee today. This language represents the requested changes of the Board and was developed with the new OSHA cranes and derricks "Final Rule" in mind. This is the department's effort to increase the safety of Connecticut crane operations.

There have been concerns expressed by some in regards to the potential impact of this proposal. My staff and I are happy to discuss this proposal with any interested parties.

I thank the Committee again for the opportunity to testify. My staff and I are happy to answer any questions Committee members may have on these proposals.