



House Bill 5549
An Act Concerning the Codes and Standards Committee

Testimony of Commissioner Melody A. Currey
Public Safety & Security Committee

March 8, 2016

The Department of Administrative Services (DAS), which houses the Office of the State Building Inspector (OSBI) and the Office of the State Fire Marshal, offers the following testimony in opposition to **House Bill 5549, An Act Concerning the Codes and Standards Committee**.

This bill proposes to alter the membership of the Codes & Standards Committee by adding two additional fire marshals. C.G.S. § 29-251 outlines the duties and membership of The Codes and Standards Committee. The Codes & Standards Committee works with the State Building Inspector and the State Fire Marshal in adopting and administering the state building and state fire safety codes and hears appeals of fire and building code officials' decisions and actions.

The 21-member committee consists of architects, fire marshals, engineers, builders, building officials, and public members, among others. DAS has attached a copy of the current Codes & Standards Committee membership to our testimony for the Committee's review. These are volunteer positions, and the historical knowledge of the members is invaluable when dealing with past precedents for appeals and in the code development process. All members participate in the 11 regularly scheduled meetings. In addition, members also participate in appeal panels, decertification hearings, code adoption subcommittees and ethics and procedural subcommittees. Their responsibilities are further outlined in the following statutes.

C.G.S. § 29-252(a) states:

The State Building Inspector and the Codes and Standards Committee shall, jointly, with the approval of the Commissioner of Administrative Services, adopt and administer a State Building Code based on a nationally recognized model building code for the purpose of regulating the design, construction and use of buildings or structures to be erected and the alteration of buildings or structures already erected and make such amendments thereto as they, from time to time, deem necessary or

desirable. Such amendments shall be limited to administrative matters, geotechnical and weather-related portions of said code, amendments to said code necessitated by a provision of the general statutes and any other matter which, based on substantial evidence, necessitates an amendment to said code.

C.G.S. § 29-291a states:

(a) The State Fire Marshal, in coordination with the advisory committee established under subsection (b) of this section, shall adopt and administer a State Fire Prevention Code based on a nationally recognized fire prevention code. Said code shall be used to enhance the enforcement capabilities of local fire marshals and for the purposes of prevention of fire and other related emergencies. Said code shall be adopted not later than October 1, 2008, and shall be revised thereafter as deemed necessary to incorporate any subsequent revisions to the code not later than eighteen months following the date of first publication of such revisions.

(b) There is established an advisory committee consisting of nine persons appointed by the State Fire Marshal. The State Fire Marshal shall appoint two members selected from a list of individuals submitted by the Codes and Standards Committee from the membership of said committee and seven members representing local fire marshals, deputy fire marshals and fire inspectors selected from a list of individuals submitted by the Connecticut Fire Marshals Association.

(c) The State Fire Marshal may issue official interpretations of the State Fire Prevention Code, including interpretations of the applicability of any provision of the code, upon the request of any person. The State Fire Marshal shall compile and index each interpretation and shall publish such interpretations at periodic intervals not exceeding four months.

C.G.S. § 29-292(a)(1) provides:

The State Fire Marshal and the Codes and Standards Committee shall adopt and administer a Fire Safety Code and at any time may amend the same. The code shall be based on a nationally recognized model fire code and shall be revised not later than January 1, 2005, and thereafter as deemed necessary to incorporate advances in technologies and improvements in construction materials and any subsequent revisions to the code not later than eighteen months following the date of first publication of such revisions to the code, unless the State Fire Marshal and the committee certify that a revision is not necessary for such purpose.

DAS has consistently opposed efforts to alter the membership of the Codes and Standards Committee. The Committee was formed with the intention of having a balanced panel that represented all the stakeholders in the construction industry to work with the State Building Inspector and the State Fire Marshal to adopt the State Building and Fire Safety Codes and to serve as an appeal body to hear and decide disputes originating from either local or State decisions.

The proponents will offer, as they did last year, that the fire safety measures within the Fire Safety Code are insufficient and result from a lack of balance and/or commitment within the Codes and Standards Committee when it comes to various fire safety priorities including, but not limited to automatic fire sprinklers systems, and slow progress on greater mandates on smoke detection and carbon monoxide equipment.

We reject any assertions that the fire community's ideas are disregarded or their issues unheard in the current process. The Codes and Standards Committee relies greatly on their expertise in fire related topics. While it is true that not all of their proposals are ultimately included in the code, the same can be said for several constituencies; that is the nature - and indeed, value - of a balanced committee that represents the whole spectrum of stakeholders. All of the fire community's ideas were heard, some at special concept specific meetings, and most of their ideas are included in the current draft.

Moreover, the addition of two fire marshals to Codes and Standards will not address the many barriers that impede the effective implementation of residential fire sprinkler requirements. In 2010, the Codes Amendment Subcommittee of the Codes and Standards Committee created the Residential Fire Sprinkler Research Working Group, which was composed of various industry, fire, and building experts. This Working Group researched what was needed to implement such a change and identified 13 areas outside the control of the Committee where comprehensive solutions were required. Those 13 obstacles still exist.

OSBI and OSFM remain ready and willing to work with the proponents of this bill within their existing role on Codes and Standards to resolve those impediments. However, changing the current make-up of the committee would only disrupt the current balance, and undermine the representation of all of the other constituencies represented on the committee without solving the concerns of the proponents.

DAS, therefore, opposes House Bill 5549.

We thank the Committee for allowing us to provide comment.

Codes & Standards Committee Appointments			
Appointing Authority	Description of Position	Current Member	date
Commissioner of Administrative Services			
	Architect	Louis Free	4/21/1989
	Architect	John Butkus	5/1/1998
	Engineer - Structural	Thomas DiBlasi	5/12/2005
	Engineer - MEP	Michael Musco	11/25/2002
	Engineer - Fire Protection	George Iskra	11/25/2002
	Contractor - Residential	Robert Hanbury	9/24/1997
	Contractor - Commercial	Glenn Nelson	2/17/1999
	Public Health	Antony Bruno	7/1/2011
	Local Building Official	Henry Miga	10/5/2005
	Local Building Official	Carlton Smith	4/8/2013
	Local Fire Marshal	Michael Sinsigalli	12/31/2003
	Local Fire Marshal	Keith Flood	4/8/2013
	National Building Trade Labor Association	Mark Mastropasqua	12/14/2015
	Energy Efficiency	William Zoller	11/20/2009
	Public - ADA	David McKinney	4/15/2010

Public	Fred Wajcs	11/20/2009
Public	Donald Harwood	11/25/1986
Public	Donald Doeg	4/13/2015
Electrical Contractor	Paul Costello	11/7/2013
Mechanical Contractor	John Ferucci	12/14/2015
Plumbing Contractor	Eric Shutt	2/27/2014