



National Institute of Standards and Technology, National Construction Safety Team (NCST) Advisory Committee update on the World Trade Center (WTC) Investigation.

Comments of Robert Polk, on behalf of the National Association of State Fire Marshals' Partnership for Safer Buildings

Mr. Chairman, members of the Advisory Committee, and guests,

My name is Robert Polk. I am here today on behalf of the National Association of State Fire Marshals' Partnership for Safer Buildings, which consists of experts from the fire service, insurance and standards development communities, and the construction industry. As we have previously testified, the Partnership has come to many of the same conclusions that you now seem to be reaching. We welcome your work and appreciate the time and attention you are giving to fire safety.

We are proud that the National Construction Safety Team Act was passed into law because we also recognize the need, as the Act states, "to improve the safety and structural integrity of buildings in the United States."

Today I would like to comment on this goal, and more specifically on a single word contained within that goal: integrity. We talk a lot about the integrity of the buildings we seek to protect. In the event of a fire, will people be able to exit safely? Will firefighters

be able to enter the building to look for victims and to conduct interior suppression activities safely? Were the fire protection systems designed, installed and maintained with integrity? In this context integrity and honesty are the same word.

I have spent the last 32 years as a Firefighter, Paramedic, Fire Officer, Fire Chief, and State Fire Marshal, and now as a spokesman and advocate for fire safety. Long ago, I stopped talking about the integrity of *things*. It all comes down to the integrity of the *individual people* who make choices that affect others ... that affect public safety.

Let's begin with the integrity of architects. Some do all they can to design safer buildings. Some do not.

Then, of course, there are building owners and managers. Some are willing to invest in safety. Marriott Corporation immediately comes to mind. Its commitment to public safety is extraordinary. And Marriott is not alone. There are others who care just as much about the safety of the people who use their buildings. But unfortunately, there are many building owners and managers who view safety as something that cuts into their bottom line.

Beyond architects and buildings owners, there are the occupants of the space, or tenants. Some tenants – like DuPont, for example – have established cultures where safety and health matter. Sadly, there are others that think nothing of blocking exits, carelessly storing hazardous materials and taking all sorts of risks.

In thinking about this even more broadly, one cannot overlook the many politicians who support fire protection. New Hampshire's former Governor Jeanne Shaheen is an example of an elected official who took the time to understand safety and support emergency responders every chance she got. But then there are the politicians who pressure code enforcement officials to go easy on building owners, cut code enforcement budgets and generally interfere with our work.

In all walks of life, people face tough choices. Fire code officials don't agree with the decision to save a few bucks on construction to remain competitive in a slow rental market – but we understand it. We don't agree with a politician's decision to help a large constituent deal with a fire code violation – but we understand it.

We even understand a firefighter's decision to enter a burning building to look for victims, however, we don't always agree with that decision, either. But a firefighter's decision to risk his or her own life is based on an abundance of integrity, not an absence of it.

When you are faced with life or death situations day after day, you learn to understand the importance of integrity.

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A great deal has been made about the Partnership for Safer Buildings' effort to restore the passive fire protection provisions in the building code. The Partnership views the model codes as one way of ensuring safer buildings. We envision a day without tradeoffs – where buildings routinely have effective sensing alarms, sprinklers and passive protection throughout.

But much more fundamental than the integrity of the people who write the codes is the integrity of the people who make and sell the fire protection technologies that the codes specify. The Partnership did not conduct an exhaustive, scientific sample of commercial buildings. We didn't have to. We walked into hospitals, extended care facilities, schools and well-known office buildings and with little trouble, discovered fire protective coatings lying in piles below the steel structures they were supposed to protect.

And we open envelopes containing the sprinkler manufacturers' latest monthly reports on recalled sprinkler heads. Millions of these potentially defective heads remain in place, years after they were identified. The United States Consumer Product Safety Commission had to go to federal court to persuade the sprinkler companies to do the right thing. Where are the recalled heads? The Commission does not know where the recalled sprinkler heads are. State and local fire code officials get monthly summary reports, but they don't know exactly where these defective heads are.

We have gone to the two trade associations representing sprinkler manufacturers and installers, to ask for their help in identifying the hospitals, schools, nursing homes and other high-risk occupancies that may still have defective sprinklers. Nothing. We have gone to Tyco, the leading manufacturer of sprinklers ... and presently they won't sit down with us.

And so we are going directly to the people who own the health care facilities, schools and shopping centers that may not have the protection they purchased. There are some very tough questions here, but we are advising our members to be conservative. Should certificates of occupancy be revoked for a hospital with defective sprinklers? That would be my call, but each community must decide for itself.

Integrity? We are sworn to protect the public. What else should we do?

We have learned that the fire protection technologies – the products that we have fought to include in the model codes – may not work as advertised. This must stop.

Active and passive fire protection industries' are working against each other – and against AHJs – in the model codes. I guess we all love fire safety when it sells our product, but not when it sells someone else's. This must also stop.

Earlier this month, an informal committee of state and local fire marshals met with staff from trade associations representing the sprinkler and passive fire protection industries.

The concerns I just spoke of were shared at this meeting. It was our hope that the two industries could work together to develop a plan -- first, outlining how best to approach the replacement of all defective products, and second, outlining how they plan to work together to develop proposals for the model code organizations that serve safety. Unfortunately, we never received a plan because we were told that this request -- to work with one another, as opposed to against one another -- could not be guaranteed.

Our next stop was the senior management of the leading companies in these two industries. As I mentioned earlier, Tyco wouldn't meet. But Grace not only agreed to meet but said it would support stronger requirements for sprinklers as part of a package of stronger fire protection requirements.

Tyco and Grace are companies that know all about the importance of integrity -- not at some abstract corporate level, but in the choices that are made daily by their most junior employees. But as a matter of integrity, code enforcement officials cannot wait for executives to take action here.

When sprinklers fail, small fires become big ones and people die. When passive measures fail, buildings collapse and people -- including firefighters -- die. Mistakes may have been made, and they will be corrected. But both industries must be put on notice. They must be aware that if they knowingly manufacture or install poor quality products in another building ... ever again ... it is no longer a mistake. That is a conscious decision to risk the lives of others.

[pause]

Fire code officials understand financial pressures. The Fire Prevention Bureau of the Syracuse, New York, Fire Department was shut down for lack of resources. A college town without a fire prevention bureau. Unbelievable, but not all that unusual.

We have heard it said that poor code enforcement was to blame for the terrible Station nightclub fire in Rhode Island that killed 100 people – many of them in under 90 seconds. I don't intend to say much about that fire. Your investigation will undoubtedly answer many of the lingering questions.

There will never be enough fire code enforcement officials to inspect every building, much less every building every day. We are a resource to people of integrity who care about safety. We hold people who make bad decisions about safety accountable – but there are too many of them and not enough of us. The code enforcement officials in Rhode Island are doing the best they can with the authority and budgets they are given. The same is true everywhere.

Never again will fire code officials take the fall for a major fire. These fires happen when people oppose us in the model codes and on the streets of the towns we are sworn to protect. And, when and where people of integrity have installed the fire protection systems that we have demanded, those systems must work. We must send the message

that building safety goes beyond design features and characteristics of construction, and is dependent, in equal part, on each individual involved in the process.

It all comes down to that one word - Integrity.

Thank you for your commitment to fire safety, and thank you for the opportunity to speak to you today.