

TESTIMONY
by
Russell E. Sanders, Executive Secretary
Metropolitan Fire Chiefs
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Commonwealth of Virginia

Dear Honorable Members:

My name is Russ Sanders, and I am the executive secretary of the Metropolitan "Metro" Fire Chiefs Section of the National Fire Protection Association and International Association of Fire Chiefs. The Metro Section represents the Chiefs of Departments of the largest fire departments in the United States, Canada and beyond. Prior to joining the staff of the National Fire Protection Association and Metro Chiefs, I served 29 years with the Louisville (KY) Fire Department, my final nine years as chief of the department.

As a life-long fire and life safety advocate, I appreciate and applaud your efforts to improve fire safety for those living and working in high-rise buildings in the Commonwealth of Virginia, as well as the firefighters in this great state who are routinely called upon to risk their lives serving the public.

It seems that there are two separate but related issues before you today: the first being the state's mini-maxi requirements and the second being a proposal for high-rise building sprinkler retrofit enabling legislation, which is currently prohibited because of the mini-maxi requirements.

In an effort to promote a proprietary family of codes and to "keep it simple" for design professionals, some suggest that without mini/maxi regulations there would be confusion and conflicts in building construction and enforcement. You will typically hear the words "uniformity" and "compatibility" used to further their personal interests. In addition to using these "scare tactics" to promote their choice of codes, they also use this same strategy to promote mini/maxi legislation. Fire service leaders, like many others who use and enforce building and fire codes, appreciate the value of achieving, when practical, uniformity in codes and standards. However, legislative and fire service leaders should not stand idly by as mini/maxi requirements prevent these committed professionals from providing the fire and life safety protection those they have sworn to protect deserve.

For mini/maxi legislation to be effective, the following three assumptions must be true:

- (1) all local communities have equal resources;
- (2) all local communities have the same or similar challenges; and,
- (3) after a certificate of occupancy is issued on a building, that building will remain safe throughout the life of the structure.

The truth is each of the above assumptions is tragically false.

Codes and standards are intended to provide a minimum level of safety at the time the building is certified. They are not intended to predict the need for future changes that may be necessary to ensure an acceptable level of fire and life safety for the building's occupants.

As buildings age and new fire and life safety technologies are developed, it is often necessary to update or retrofit existing buildings. In the mid 1990's a high-rise apartment fire in Arlington County, Virginia killed an entire family of four. The fire department's investigation determined that the battery-operated smoke detectors, which met the BOCA Building Code requirement when the building was certified, were inadequate. However, because the building and fire codes in Virginia are mini/maxi, the local fire chief could not require that the building be retrofitted with hard-wired detectors or sprinklers.

The Arlington County fire described above is meant only to serve as one example of the deadly consequences of mini/maxi legislation. Fire chiefs in mini/maxi states across this nation could cite numerous other deadly examples. In fact, history has proven that, in states where mini/maxi laws are enforced, a major loss of life and/or property must occur before a local fire chief is able to correct what is an obvious problem to anyone with even minimal fire fighting experience.

When states enforce mini/maxi requirements, local communities are denied the right to require a level of safety higher than what the statewide codes required at the time the building was constructed. The MGM Grand in Las Vegas, the One Meridian Plaza in Philadelphia and numerous other high-rise fires have demonstrated time and again that unsprinklered high-rise buildings are deathtraps for civilians and fire fighters. Sprinklers are the proven life savers... should local communities with aging high-rise buildings be denied the right to protect the citizens and visitors in their communities?

Above are only a few reasons why mini/maxi legislation is ineffective and dangerous. As the leaders of this great Commonwealth, I hope you will allow local community leaders to protect those living and working in their respective jurisdictions.

During my tenure as Chief of the Louisville Fire Department, the City of Louisville adopted legislation requiring all unsprinklered high-rise buildings to be retrofitted with automatic fire sprinkler systems. Louisville, which is the 16th largest city in the United States, was the first major metropolitan jurisdiction to pass proactive sprinkler retrofit requirements (meaning the legislation was not in reaction to a specific, local incident). Forty-six buildings in the city were identified as needing to be retrofitted with sprinklers, and the county later passed the same ordinance requiring six additional high-rise buildings to be retrofitted. I realize these numbers pale in comparison to the total number of unsprinklered high-rise buildings in the Commonwealth of Virginia, but the Louisville experience does prove that it is possible to successfully address the fire and life safety problem in existing high-rise buildings. As a result of the Louisville ordinance, all but one of the buildings addressed by the ordinance are now completely retrofitted with sprinklers, and the one remaining building that is not yet fully sprinklered is on target for completion next year.

The Louisville ordinance applies to all residential and commercial high-rise buildings. The only exception concerns condominiums, which are required to sprinker common areas, such as hallways and corridors but were not initially required to retrofit the individual owner-occupied units. Including residential properties in any fire safety improvement plan is extremely important. Based on the most recent data 75% of all fires and 93% of the resulting civilian fire deaths in buildings with seven or more stories occurred in residential properties.

What I learned in Louisville and during my years of working with numerous cities, states and countries since is that high-rise retrofit legislation is the most cost effective way to protect the building, its contents, and the people working and living in the structure. Our experience in Louisville, as in many other jurisdictions, proved the naysayer's wrong... requiring high-rise building owners to retrofit with life-saving sprinklers does not result in the closing of buildings or businesses leaving the community.

As you contemplate the proposals before you, I encourage you to vote for fire and life safety by giving local jurisdictions the opportunity to provide the life safety protection – automatic fire sprinklers – that their citizens need and deserve.

Thank you very much for this opportunity to speak to you today. I look forward to working with you in the future.