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DEPT. OF PUBLIC SAFETY

Department of Public Safety
Board of Building Regulations and Standards
ATTN: Robert Anderson
McCormack State Office Building
One Ashburton Place
Room 1301
Boston, MA 02108

Re: Public written comment on the Proposed 8th Edition, Massachusetts State Building Code for One- and Two-Family Dwellings

Dear Sir:

Kidde Residential and Commercial Division is a manufacturer of residential fire safety products, including smoke alarms. Kidde has reviewed the proposed amendments to the Eighth (8th) Edition, Massachusetts State Building Code for One- and Two-Family Dwellings, and has identified a number concerns with the proposed changes to Section R314 – Smoke Alarms, specifically:

SECTION R314 - SMOKE ALARMS

R314.1 After 'shall be' add the text as follows: 'photoelectric type smoke alarms'

R314.1 Add after "UL 217" the following: "or UL 268, photoelectric only,"

As written, the proposed amendments for the 8th Edition specify that smoke alarms installed to comply with Section R314 must employ photoelectric technology, and therefore restricts the use of other available technologies to achieve compliance. Kidde's concerns with the proposed regulation are as follows:

1. Ionization Technology is a proven and accepted technology that meets all recognized performance standards and should not be prohibited.

The current performance standard (UL 217) was created by representatives from national and independent research organizations dedicated to testing products and protecting the consumer. Regardless of the technology, every smoke alarm must perform to the same independently established

tests in order to meet this performance standard. The Kidde ionization and photoelectric alarms sold in the U.S. meet these performance standards.

In addition, NFPA 72, which is the model fire alarm code, does not specify a particular type of sensing technology. The focus is not on the technology, but rather on performance of the technology. This is an important distinction to what is being proposed, which is to ignore performance-based standards and prohibit a technology that has been proven to work.

The Standards' Technical Panel (STP) periodically reviews the continued applicability of the UL 217 standard. This standards committee is made up of experts from the fields of fire science, engineering, and representatives of the Consumer Products Safety Commission, Underwriter's Laboratory, and the National Institute of Standards and Technology, along with those from industry, building and trades as well as manufacturing representatives. This body should not dismiss or ignore the standards developed over time by these experts. Concerns about the standards should be raised to that forum and the process for evaluating change needs to be followed.

A decision to prohibit a technology that has met the performance standards established by experts, including scientists and consumer groups, focused on fire safety would be an extraordinary act. Such an act should require factual and scientific data as support. The conclusions presented by those in favor of this proposal have already been rejected by these experts because the conclusions are not supported by scientific data. Similar proposals put before both the UL 217 STP and NFPA 72 Technical Committee failed to be adopted during the standard review period. Additionally, an identical proposal was disapproved by both the International Residential Code (IRC) and International Fire Code (IFC) Committees of the International Code Council (ICC) during the ICC's 2012 code review hearings in October 2009 in Baltimore.

To be clear, Kidde manufactures and sells smoke alarms that use ionization and photoelectric technology, as well as alarms that combine both technologies into one unit. We believe that it would be a mistake for Massachusetts to prohibit a viable technology that has saved many lives over the years and will save more in the years to come. Performance of ionization technology meets current standards and is used routinely in homes across America.

2. To prohibit technology will stifle innovation and technological advancement in the Commonwealth and prevent Commonwealth consumers from receiving the benefit of innovation.

Kidde and industry experts urge regulators to resist efforts to require only one technology, or restrict the use of another. That is because new technological advances could make smoke alarms even more effective in protecting life and property.

Those advances could be based on existing technology, or could stem from technologies not currently on the market. Smoke alarm technology is likely to change dramatically in the future, and laws that require only one technology or restrict the use of another limit the ability to offer consumers new, innovative alarms of tomorrow.

Ignoring the performance-based approach and imposing a prohibition on technology threatens to deny Commonwealth consumers the benefits of innovation. Any new product that incorporates the prohibited technology would not be available to Massachusetts residents, even if such product exceeds the existing performance standards. Further, the ability to introduce any new and innovative technology in Massachusetts to ensure greater safety would be in doubt as no clear standard for its acceptance by this body would exist given that performance-based standards of independent groups would have been ignored in imposing the prohibition.

Kidde has developed a smoke alarm that significantly reduces the rate of nuisance alarms in cooking environments, which in turn will reduce the likelihood that a unit will be disabled by a consumer experiencing too many nuisance alarms. This product represents the first major innovation in residential fire detection in decades and has been available to consumers since September 2009 and is marketed as "The Intelligent Alarm". This new technology incorporates an ionization sensor and a carbon monoxide sensor and uses an advanced algorithm program to determine whether a fire hazard actually exists, reducing nuisance alarms. Obviously, this new innovation incorporates the very technology that would be subject to the prohibition and would not be available to the citizens of the Commonwealth if the current proposal is accepted.

In closing, Kidde and other recognized fire authorities including the National Fire Protection Association, National Association of State Fire Marshals, International Association of Fire Chiefs, United States Fire Administration, National Institute for Standards and Technology, Consumer Product Safety Commission, and Underwriters Laboratories all recommend the installation of both ionization and photoelectric smoke alarms in order to maximize protection from all types of fires. Based on the information provided here in these comments, the Massachusetts State Building Code for One- and Two-Family Dwellings should not be technology specific, but rather reference nationally recognized performance based standards.

Thank you for allowing Kidde to provide these comments on the proposed Eight Edition of the Massachusetts State Building Code for One- and Two-Family Dwellings.

Sincerely,



Tom Sri
Government Affairs Manager
Kidde Residential & Commercial