

**BOARD OF FIRE PREVENTION REGULATIONS
MINUTES OF BOARD MEETING
September 1, 2016**

The Board of Fire Prevention Regulations held a Board meeting on Thursday, September 1, 2016 at the Department of Fire Services, Boards and Commissions Room, Stow, Massachusetts.

The following Board members were present at this meeting:

Richard K. Arruda	Chief, Dartmouth Fire District 3
Anthony Caputo	Registered Professional Fire Protection Engineer
John J. Clancy	Inspector of Buildings in a City/Town
Joseph Conant	Commissioner, Springfield Fire Department
Jeffrey Cox	Registered Professional Electrical Engineer
John D. Cox	Registered Professional Chemical Engineer
Larry S. Fisher	Electrical Contractor
Michael Hazel	Chief, Tewksbury Fire Department
Alfonso F. Ibarreta	Registered Professional Mechanical Engineer
Gary S. Keith	Representative of the Public
William Laidler	Hanover Wiring Inspector
Robert MacKendrick	FPAM Representative
Peter J. Ostroskey	State Fire Marshal
Paul C. Scheiner	Chemist
Kenneth A. Smith	Blasting Association Member

The following Board members were absent from this meeting:

John Dempsey	Designee of the Boston Fire Commissioner
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DFS/BFPR staffing present at this meeting:

Paul Vigneau	Director, Division of Fire Safety
Richard Fredette	Board Executive Director
Jennifer Hoyt	Division of Fire Safety
Peter Senopoulos	Legal Counsel, Department of Fire Services

Also present were the following interested individuals (and their affiliations):

Robert Duval	National Fire Protection Association
David Beaudin	Department of Fire Services
John Wood	Department of Fire Services
David Duval	Massachusetts Systems Contractors Association
Mark Poirier	Bellingham Fire Department
Justin Davidson	Massachusetts Association of Realtors
Dan Connelly	ML Strategies, LLC

Monthly Board Meeting

1. Call to Order.

The Chairman opened the meeting at 1:00 p.m.

2. *Member introductions.*

Chairman Anthony P. Caputo asked the members of the Board and the Division of Fire Safety staff to introduce themselves for the record.

3. *Minutes from the August 4, 2016 meeting submitted for approval.*

Upon a motion made by Commissioner Conant, seconded by Mr. Laidler, the Board unanimously voted to approve the minutes of the August 4, 2016 meeting as submitted.

Monthly Board Meeting – New Business

1. *A communication from Jon Macht, Macht Solar, requesting an interpretation on Article 110, Section 110.31 Enclosure for Electrical Installations - PV*

Upon a motion made by Mr. Laidler, seconded by Mr. Fisher, the Board unanimously voted to send this request to the 527 CMR 12 Electrical Interpretation Committee.

Monthly Board Meeting - Old Business

1. *Committee/ Reports*

- a. *General Requirements Code Committee-Code Committee Chair /DFS Staff to report*
 - i. *Committee Report and recommendation regarding comments received at August public hearing relating to proposed amendments to 527 CMR 1.00, 13.7 through 13.11 (Smoke and Co alarms/systems)*
 - *Possible Board vote to promulgate*
 - ii. *PV work clearances in correlation with the Electrical Code Committee*
 - iii. *Chapters 10, 11, and 12 of NFPA 1 and Administrative Rules*

Commissioner Conant advised the Board that the committee met on August 16, 2016 and discussed the three public comments on 527 CMR 100: 13.7. The first comment from Marcus Boolish, President, Corporation for Battery Recycling, questioned the 10-year battery requirement in that some 10-year battery-powered devices may not actually last for 10 years. The committee felt no change was necessary to the proposed language since an end of life signal is a requirement of UL 217, the device listing. The second comment was from Holly Borgman, Director, Government Affairs ADT Security Systems regarding how the proposed language would allow a wireless smoke alarm system. The committee felt no changes to the proposed language were necessary since wireless technology is permitted. The third comment was from Justin Davidson, Legislative & Regulatory counsel for the Massachusetts Association of Realtors with concerns that realtors across the Commonwealth may not be able to follow the same procedures given the proposed change to the code. The committee felt that no change to the proposed language was necessary and that training and a guidance document would be sufficient to handle this concern.

Commissioner Conant also advised the Board that the committee briefly spoke on photovoltaic rooftop systems and tabled most of the discussion until their next meeting on 9/21/16. The committee also voted to approve Chapters 10, 11 and 12.

Jennifer Hoyt elaborated on the public comments that came in to give a little more information. Regarding the concern of the Corporation for Battery Recycling that the 10- year life battery could not actually be tested for 10 years due to the length of time it takes to test it. Ms. Hoyt commented that stated that during the smoke alarm task group discussions with manufactures and industry representatives, there is a testing criteria that these devices do go through that is an accelerated test that simulates 10 years of use of testing, nuisance alarms, exposure to heating cycles. This testing criteria is based on what a smoke alarm battery would be exposed to over 10 years. Naturally nothing would be the same as a 10-year test but until this technology has been available for 10 years, the next best thing is the industry testing that is being conducted. The committee felt that sufficient information was provided during the smoke alarm task group meetings to assure that a 10 year battery is the industry standard rather than a battery rated for a different life span. Additionally, smoke alarm devices have the end-of-life signal as required by UL 217 that could not be ignored by a resident and would cause the resident to replace the smoke alarm device. This also addresses the concerns raised in the comments of the Corporation for Battery Recycling.

Regarding replacement devices raised as a concern by Holly Borgman, there is no prohibition on in the Fire Code or Building Code for going above the standard set by the code. The code is the minimum standard adopted by the state and the option always exists for exceeding the minimum code requirements. A wireless system would exceed the minimum code requirement for smoke alarms and would be permitted by the proposed language. The Fire Marshal and DPS always recommend adding smoke alarm protection in residences, specifically in the bedrooms. Since additional, non-required devices can be voluntarily installed, those devices may have replacement batteries which were also a concern of the Corporation for Battery Recycling.

Regarding the realtors' concern with education, DFS staff has drafted a code flyer to highlight the proposed change to the code. The flyer is intended to be distributed to the informed public such as realtors and electricians. The consumer guide currently available will be updated to reflect the proposed code change. Additionally, a technical document will be drafted by DFS staff for use of the informed public and fire departments which would detail the requirements of the code for smoke alarms. By having the tiered documents DFS staff feels that we are targeting all the groups that are affected by the change by giving them the correct information needed for compliance. In addition to the documents, DFS will also provide training work with the real estate group and other groups that may be interested. There was also some discussion about the advisability of a delayed effective date to allow for more time to implement the requirements.

Paul Vigneau advised the Board that they have a very early draft of the guidance document and will email it to the BFPR and any interested parties when it is available.

Jennifer Hoyt stated that with the education piece and the documents it will be clearly layed out for the public that they don't have to replace all their devices right now. If a smoke alarm is currently installed and operable, it doesn't have to be replaced, but when it is being replaced due to age or inoperability, it needs to be updated to the 10-year sealed unit in accordance with the code.

Upon a motion made by Marshal Ostroskey, seconded by Mr. Fisher, the Board unanimously voted to accept the recommendation of the General Requirements Code Committee.

Upon a motion made by Marshal Ostroskey, seconded by Mr. MacKendrick, the Board unanimously voted to amend 527 CMR 1.00, 13.7.3.1 to read as follows "For the purpose of compliance with M.G.L. c.148 s. 26E and s. 26F, on or after December 1, 2016, smoke alarms shall be installed in accordance with the applicable requirements of 13.7."

Upon a motion made by Mr. Laidler, seconded by Dr. Scheiner, the Board unanimously voted to accept the recommendation of the General Requirements Code Committee, as amended, and to start the promulgation process.

- b. Processes Code Committee-Code Committee Chair/DFS Staff to report*
 - i. Hot works- Chapter 41*

Mr. Caputo advised the Board that the Processes Code Committee met this morning reviewed all Hot Works issues in Chapter 41 and address issues in Chapter 42.

- c. Equipment Code Committee-Code Committee Chair/ DFS Staff to report-*

Mr. MacKendrick advised the Board that after discussion this morning it was determined that a meeting was needed to review the possibility of requiring a Certificate of Registration for Commercial Cleaning Companies.

- d. Occupancy Code Committee-Code Committee Chair/DFS Staff to report*
 - i. Chapter 26*

Mr. Fisher advised the Board that the Occupancy Code Committee met this morning and made changes in Chapter 20 to correlate with Chapter 12 and, as requested by Mr. Rodrique, voted to move forward with adopting Chapter 26 into our 2015 code.

- e. Hazardous Code Committee-Code Committee Chair/DFS Staff to report*
 - i. 60.8*
 - ii. Proposal from Stephen Pelkey 65.1 and .2 (2015)*
 - iii. Proposal from Dave Beaudin 65.3.5 and 65.4.1.1 (2015)*

Mr. John Cox advised the Board that the Hazardous Code Committee met in late May and in August and worked on Chapter 60.8, Chapter 65 and Chapter 66.

Upon a motion made by Dr. Scheiner, seconded by Commissioner Conant, the Board unanimously voted to accept the report of the Hazardous Code Committee for adoption into the 2015 edition of NFPA 1.

- f. Electrical Code Committee-Code Committee Chair/DFS Staff to report*

Mr. Laidler advised the Board that the 2017 NEC is in process.

- g. Administrative Code Committee-Code Committee Chair/DFS Staff to report*

Mr. Vigneau advised the Board that staff will determine what documents are ready for the Administrative Code Committee and will set a meeting date.

2. *Staff update on replacement in kind.*

- a. *Joint interpretation on replacement in kind referencing all three permits aspects: Permits required by the building code so that there would be no more permits from the Fire Departments, 27A permits under the Building Code, and fire protection aspects under the jurisdiction of the Fire Code.*

Ms. Hoyt discussed the email response to Robert Bourke in which she advised Mr. Bourke that the interpretation request was sent to BBRS since they have authority of the permit requirements for fire alarm installations which was the nature of the original interpretation request.

3. *Status update on Regulations that Board has initiated promulgation process*
- Legal Counsel to report

Board Counsel Senopoulos reviewed the written status summary report that was distributed today.

4. *Appeals Board activity update*

Board Counsel Senopoulos updated the Board on this matter.

Items not reasonably anticipated by the Chair


The communication was received from Jean Warters, a resident of Fairhaven, regarding Open Fires and will be tracked.

The communication was received from C. Scott Ananian, Town Meeting Member Precinct 10, Brookline, MA regarding MGL 143 s. 98.

Upon a motion made by Mr. Laidler, seconded by Mr. MacKendrick, the Board voted to authorize staff to respond indicating that there is a path under MGL 143 s. 98 for approval of local bylaws and they should follow that procedure. This board sees no request to modify the electrical code and, therefore, there is no action for this Board.

A motion was made by Dr. Scheiner and seconded by Mr. MacKendrick to adjourn the regular meeting at 1:55 p.m. The board voted unanimously on this motion.

Submitted by: Executive Director



Date: 10/12/2016