

SB 2397

RELATING TO FIRE SPRINKLERS

Description:

Prohibits counties from requiring installation or retrofitting of automatic fire sprinklers in new or existing one- or two-family dwelling units used only for residential purposes.

ALAN M. ARAKAWA
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

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January 25, 2012

The Honorable Will Espero, Chair
Committee on Public Safety, Government
Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. 2397 Relating to Fire Sprinklers

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a member of the State Fire Council (SFC). The MFD and the SFC strongly oppose SB 2397. House Resolution No. 47, H.D. 1 of the Twenty-Sixth Legislature, 2011, resolved that the State Building Code Council (SBCC) was requested to submit a report of its findings, recommendations and actions taken to adopt the requirement that automatic fire sprinklers be installed in new one-and two-family dwellings no later than 20 days before the convening of the Regular Session of 2015.

The SBCC is reviewing the 2009 editions of the International Building Code and the International Residential Code that both require residential fire sprinklers in new one- and two-family dwellings as minimum requirements. The State Building Code Council has formed an investigative committee of stakeholders from public/private sectors, industry and code regulators that are exploring all the issues relating to the installation of automatic fire sprinklers. The investigative committee's work is in-progress, with infrastructure issues almost completed and issues related to in-house systems still to be addressed. It would be a disservice to the state community to enact an anti-sprinkler law based on one viewpoint without the completed work of this committee that represent all interests related to fire sprinklers. The committee's final report will be forwarded to the SBCC, who will decide what to adopt for the entire state.

The building codes are a comprehensive suite of codes that address all aspects of the built environment. The resulting national codes reflect a consensus body of work that balances safety, cost/benefit and the most technologically advanced products, materials and processes. Code revisions occur slowly over time, many times as a result of lessons learned when people were killed or seriously injured. When building codes are adopted at the state and county levels, they must go through the administrative rules process. The public hearings for this process are an open forum that allows anyone to participate and provide input. This process should not be circumvented.

The Honorable Will Espero, Chair

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There is no current requirement in the state or county building codes that would mandate the installation of fire sprinklers in new one- and two family residential dwellings. When homes are going through the county building permit process and do not meet fire department access road

or fire fighting water supply requirements, the fire code allows sprinklers to be installed as an alternative method to meet the intent of the fire code. This bill may eliminate that alternative

and would require both road and water supply requirements, whose cost to the builder is usually much greater, or the home would not be permitted and therefore not allowed to be built.

The contention that new home prices will dramatically rise is inaccurate. Nationally, on average, home fire sprinkler systems add 1% to 1.5% of the total building cost in new construction. In Hawaii estimates were about \$1.50 square foot and about \$6,000 to \$7,000 for a 2,500 square foot home for the entire system including permitting, installation and materials. At \$200/square foot this 2,500 square foot home would cost \$500,000. The residential sprinkler system would be 1.3% of the total price. The most economical time to install sprinklers is in new construction.

Smoke detectors and other building safety requirements have progressively reduced fire losses and deaths. However, they are only effective to the point where the occupants are cognitively and physically capable to respond in the very limited timeframe of rapid fire growth. National statistics have shown disproportionate fire deaths for the young and the elderly for decades, which is an example of the types of individuals unable or incapable of exiting a home fire in a timely manner. Fire resistive construction does not reduce the fuel load of today's modern furnishings, which has drastically reduced occupant escape time to 3-4 minutes once a fire has started.

Automatic fire sprinklers are a proven fire, life safety and property protection measure with an outstanding performance record that reduce fire fatalities, injuries and property losses.

The MFD and the SFC urges your committee's deferral of S.B. 2397.

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,


JEFFREY A. MURRAY
Fire Chief

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Gary K. Heu
Managing Director

John T. Blalock
Deputy Fire Chief

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January 24, 2012

The Honorable Will Espero, Chair
Committee on Public Safety, Government
Operations, and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chair Espero:

Subject: S.B. NO. 2397 No county shall require the installation or retrofitting of automatic fire sprinklers or an automatic fire sprinkler system in any new or existing detached one- or two-family dwelling unit in a structure used only for residential purposes.

I am Robert F. Westerman, Fire Chief of the Kaua'i Fire Department and a member of the State Fire Council (SFC). The SFC and the KFD strongly oppose S.B. No. 2397 and offer the following comments:

1. Home fire sprinkler systems reduce heat, flames, and smoke from a fire, thus giving residents valuable time to escape. The risk of dying decreases by 80% when sprinklers are present. Installing home fire sprinklers significantly reduces property loss in the event of a fire and homeowner insurance premiums and supports local fire service efforts. By requiring these life-saving devices in new homes, residents can enjoy the same level of safety found in offices, schools, apartments, and public buildings.
2. The creation of a blanket mode of preventing the requirement of fire sprinkler systems for one- or two- family dwelling units will affect the current requirements regarding "Additional Dwelling Units" here in Kaua'i County. When an application for an additional dwelling unit is processed, the fire department determines if a fire hydrant with adequate fire flow is within a predetermined distance to the subject property dependent on the zoning type. If a hydrant exceeds the distance or does not provide sufficient flow, the applicant has an option to either, upgrade the water line, install a fire hydrant, or to install an automatic fire sprinkler system.


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The majority of the time, the fire sprinkler system is the more cost efficient option.

The SFC and the KFD urge your committees' deferral on the passage of S.B. No. 2397 preventing the requirement of automatic fire sprinklers in this resolution.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman". The signature is written in a cursive style with a prominent flourish at the end.

Robert Westerman
Fire Chief, County of Kaua'i

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

"Building Better Communities"

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January 26, 2012

Senator Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
State Capitol, Room 231
Honolulu, Hawaii 96813

RE: SB 2397, Relating to Fire Sprinklers

Dear Chair Espero and Members of the Committee:

I am Karen Nakamura, Chief Executive Officer of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

Thank you for holding a hearing on SB 2397, which prohibits counties from requiring installation or retrofitting of automatic fire sprinklers in new or existing one- or two-family dwelling units used only for residential purposes. **BIA-Hawaii strongly supports SB 2397.** We would like to propose an amendment so SB 2397 will read: No code adopted by a county may include a requirement that fire sprinklers be installed in a single family dwelling or a residential building that contains no more than two dwelling units.

The home building industry is committed to the safety of the communities in which they build, but BIA-Hawaii opposes mandating fire sprinklers in new one- and two-family homes because: 1) new homes are built with better fire safety measures and other fire safety measures are required that are proven to save lives; 2) fire sprinklers are not cost-effective; 2) targeted fire safety education programs work; 3) fire sprinklers have not been proven to enhance the safety of occupants; and 4) if a homeowner wants to install a fire sprinkler, that option should be theirs.

New homes are built better and safer.

There have been significant improvements to the fire safety of homes over the past few decades leading to a dramatic and continued decrease in fire incidents, injury, death, and property loss. There is no data to suggest that sprinklers will significantly improve this decline.

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Telephone: (808) 847-4666 Fax: (808) 440-1198 E-mail: info@biahawaii.org; www.biahawaii.org

Several examples of the fire safety improvements to residential construction that have led to these reductions in fire incident, injury and death include:

- . Interconnected, hardwired smoke alarm systems
- . Carbon monoxide detectors
- . Improved electrical systems
- . Improved framing and fire blocking techniques, and
- . Improved fire ratings on interior furnishings and building material

Additional information can be found in Attachment A.

Furthermore, the majority of residential fires that occur today are in older homes that generally do not have many of the improved fire safety features required in today's construction. Based on cursory research (see attached), residential fires on Oahu since 2005 all involved older homes. Most were built prior to 1970, and as far back as 1912. Sprinkler proponents argue that "new homes become old." However, that argument lacks substance because it does not acknowledge that the fire safety features required in today's construction are permanent, as is the protection they provide.

Fire sprinklers are not cost-effective.

Costs for residential fire sprinklers can vary, but proponents have only presented costs estimates based on mainland figures and the County of Maui, about \$7,000 to \$9,000. As we have seen recently in Kailua, homeowners were quoted upwards of \$16,000 for a sprinkler system, and it was unclear whether that cost included connecting the system to the City's water source. Depending on where the new home will be built, issues such as whether water pressure is, or whether trenching is required, all add to the cost of the system. Proponents will argue that improved technology will lower the cost of sprinklers. However, it is still a significant expense, especially since the cost does not include shipping, labor, and maintenance.

Fire education programs work.

BIA-Hawaii supports fire safety education programs for consumers as one the most effective and reasonable means to preventing residential fires and reducing death, injury, and property loss well as cost-effective residential fire protection technologies that are required by current codes.

Other fire prevention efforts, such as targeted fire safety/prevention education programs, have also been successful. Programs of this nature should be considered first since they will ultimately prevent more fires and property loss and, more importantly, injury and death. For example: The State of South Carolina successfully implemented a fire safety program entitled "Get Alarmed South Carolina." As a result their fire death rate dropped 41% from 1996 to 1998. The program included a smoke alarm distribution component. Fire prevention education programs work, especially for those homes and home environments at greatest risk.

Fire sprinklers have not been proven to enhance the safety of occupants

Sprinkler mandates apply only to those homes at least risk. Furthermore, based on National Fire Protection Data, the risk of death in a home with sprinklers is still close to 30% and property loss is still substantial and would still be far less overall than the overall cost of sprinklers under mandatory requirements.

Homeowners should decide.

Fire sprinkler proponents say that if a developer were building new homes with sprinklers, the costs would be less since it would be spread out to more people. However, it is the homeowner who will bear the cost and not the government, who is responsible for the public's health and safety. Homeowners

should be able to decide whether a sprinkler system is what they want. Proponents also discuss a possible tax credit as an incentive to install fire sprinklers. However, if sprinklers are mandated, tax credits as incentives don't work.

Additional important information.

I-Codes: Proponents argue that this requirement will be required in the 2009 International Building Code (IBC) and International Residential Code (IRC), which is why they are working on adopting those codes. However, these I-Codes are only *model* codes, and not the minimum standard requirements, and fire sprinklers goes far beyond the minimum requirement for public health and safety. Furthermore, there are other existing and new fire safety requirements (see Attachment A) that cost far less than fire sprinklers and are proven to save more lives.


Legislation: Hawaii would not be the first state to do what SB 2397 proposes to do. To date, at least 33 states across the nation have either amended the mandate out at the state level, or have passed legislation requiring that no model code be adopted by a municipality mandating residential sprinklers. (National Association of Home Builders; Attachment B.)

Decreased fire deaths: According to the Centers for Disease Control and Prevention (CDC), there were 377,000 home fires in the United States in 2009 which killed 2,565 people and injured another 13,050, not including firefighters. In 2009, there were 305,000,000 people living in the United States. The CDC goes on to say that the number of fatalities and injuries caused by residential fires has declined gradually over the past several decades, and many residential fire-related deaths remain preventable through education.

Finally, the State Building Code Council (SBCC) has formed an investigative committee that is preparing a report addressing infrastructure and access relating to fire sprinklers. That report is due to the Legislature in 2015. However, discussions at the SBCC on the upcoming 2009 IRC, which includes the sprinkler requirement, will likely begin in mid-2012 and can be adopted before the committee report is due.

BIA-Hawaii strongly supports SB 2397, with an amendment.

Thank you for the opportunity to share our views with you.



EVP/CEO
BIA-Hawaii

ATTACHMENT A

Additional Fire Safety Measures International Residential and Building Codes

There have been many improvements to reduce the number of injuries and fatalities in the built environment. Below are a few examples:

- **Smoke alarms-** The new 2012 International Residential Code now requires that smoke alarms are installed and maintained in accordance with the National Fire Alarm Code (NFPA 72). This code calls for smoke alarms to be installed inside every bedroom, on every level of the dwellings and an additional smoke alarm in the immediate vicinity outside the bedrooms. The smoke alarms are required to receive power from a primary power source with a battery back-up in case of power outages. The smoke alarms are also required to be interconnected so that if one smoke alarm detects a fire, all of the smoke alarms throughout the house will go into alarm. National Fire Alarm Code 72 also requires that the smoke alarms are tested annually and that they are replaced after ten years of service.
- **Carbon monoxide-** The 2009 and the 2012 International Residential Codes both require carbon monoxide detectors to be installed in dwellings that have fuel-fired appliances or have an interconnected garage. While carbon monoxide detectors do not detect fires, they do prevent fires that are the result of occupants misusing heating equipment or cooking appliance that are not intended to be used indoors that can lead to a potential fire.
- **Under floor protection and fire separation between the house and the garage-** While the code has required type-x wallboard between the habitable space of the home and the garage for many years, the 2012 International Residential Code now has a requirement that protect fire firefighters from early collapse of floor systems. Since the introduction of lightweight engineered floor products (such as open web trusses, wood I-beams, cold form steel joists etc.) the fire service has been concerned with the faster burn rate of these products due to the products not containing the same mass as dimensional lumber. The 2012 International Residential Code now requires that floor systems that use these products in location, such as over basements or crawlspaces that contain fuel fired appliances, that they must be protected by a layer of drywall.
- **Emergency escape and rescue openings-** Both the 2009 and 2012 International Residential Codes require that all bedrooms, basements, and habitable attics must have an emergency escape and rescue opening. These openings can be in the form of a door or window, as long as they meet a minimum opening dimension of 5.7 square feet. These openings are intended to be used as a secondary means of egress in the event that the occupant is unable to escape through the primary means of escape, the front door. These openings are also used by the fire service to gain entry into the house to fight basement fires, where entering through the main level could be hazardous.
- **Fire resistant construction-** Based on the proximity of the dwelling to the property line or adjacent buildings on other lots, the exterior of the dwelling is required to be constructed with a fire resistant rating of one hour. Based on the fire separation distance overhangs and projections, [exterior walls] are required to meet certain fire resistance ratings, while openings such as doors and windows are limited in their number based on the distance. Townhouse and two-family

dwellings are required to have a continuous fire rated wall assembly that separates the dwellings and extends from the foundation up to the underside of the roof.

- **Arc-Fault Circuit Interrupters (AFCI)**- AFCI's are required by both the International Residential Code and the National Electrical Code. These devices are intended to reduce the number of fires that are caused by arcs between wires that have either been damaged or worn protective sheathing.
- **Fuel gas appliances**- The 2012 International Residential Code has added several provisions to increase the safety of fuel fired appliances such as water heaters, boilers and heating equipment.

Sprinkler provisions already exist in Appendix P of the International Residential Code:

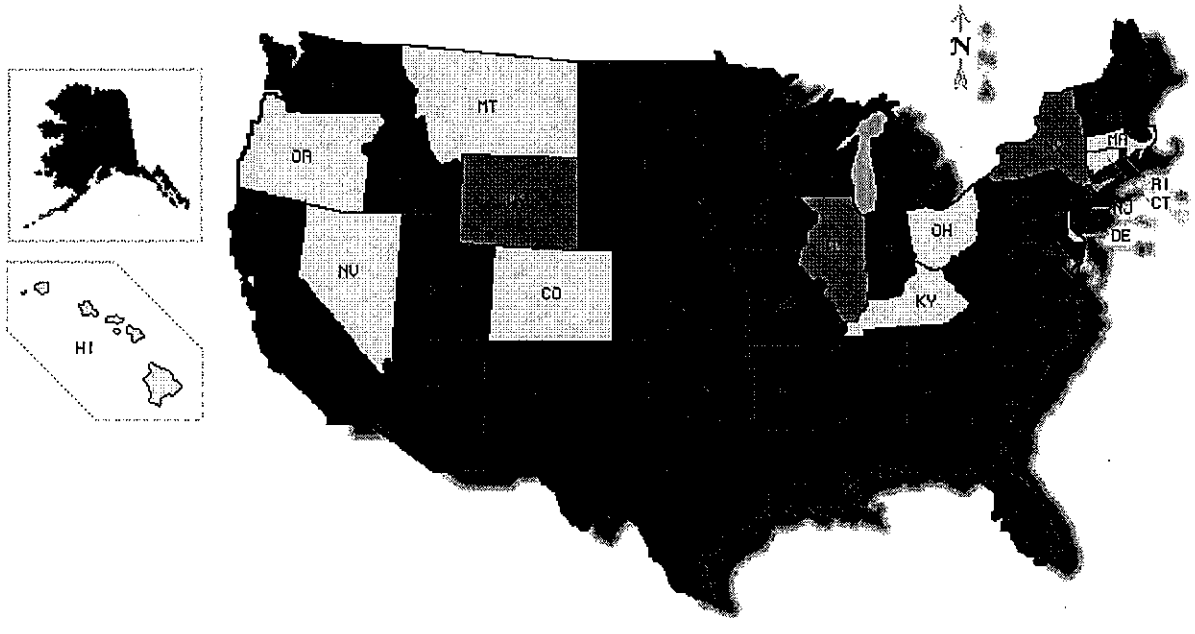
- Available for jurisdictions to adopt case by case
- Based on community specific need or want
- Does not force other jurisdictions to amend the IRC
- Current approach overwhelmingly endorsed by ICC membership

Based on these provisions and several other requirements within the 2012 International Residential Code, the National Association of Home Builders and the Building Industry Association of Hawaii continue to oppose the mandatory requirement of residential fire sprinklers.

- Residential Fire Sprinkler -

Update as of July 26th, 2011

The information provided is a state-by-state status of the 2009 IRC adoption and legislation activities as reported by HBA's. NAHB staff monitors and updates the status of the information presented below periodically, and does its best to verify the accuracy of the information provided. Any incorrect or misinformation should be brought to the attention of Steven Orlowski at sorlowski@nahb.org.



Black States - No Action Reported

Blue States - Mandatory Requirements Defeated

Yellow States - Pending Action

Red States - Mandate Approved

AL / AK / AZ / CA / CO / CT / DE / DC / FL / GA / HI / ID / IL / IN / IA / KS / KY / LA / ME / MD / MA / MI / MN / MS / MO / MT / NE / NV / NH / NJ / NM / NY / NC / ND / OH / OK / OR / PA / RI / SC / SD / TN / TX / UT / VT / VA / WA / WV / WI / WY

State	Status	Current Action
Alabama	No Mandate- Legislation Passed	Passed Legislation that will not permit the state to adopt any portion of a nationally recognized code that will mandate residential sprinklers in one- and two-family dwellings
Alaska	No Mandate- Legislation Passed	Passed Legislation that will not permit any jurisdiction to adopt any ordinance that will mandate residential sprinklers in one- and two-family dwellings that is not properly vetted through the community through a series of public hearings.
Arizona	No Mandate- Legislation Passed	Passed Legislation that will not permit the state to adopt any portion of a nationally recognized code that will mandate residential sprinklers in one- and two-family dwellings
Arkansas	No Mandate-	Effective October 1 st , 2009 the Arkansas State Police signed a rule that fire sprinklers in new one (1) and two (1) family Arkansas

	Regulatory Action	dwellings would not be a state-mandated requirement now (nor in the next edition of the Arkansas Fire Prevention Code Rules, likely to be the <i>2012 Edition</i>).
California	Mandated- 2009 IRC Adopted	Adopted the 2009 <i>International Residential Code</i> Adopted without amending the requirement for residential sprinkler. Currently One- and Two- Family Dwellings are not required to have sprinklers installed until the Effective date of January 1, 2011. Legislation has been introduced in the 2011 Calendar to allow jurisdictions to opt out of the State building code requirements.
Colorado	Pending Action	Colorado does not have a state building code for residential construction, debate on the residential sprinkler requirement is occurring at the local level.
Connecticut	Pending Amendment	The State Code and Standards Committee Review Board has recommended the deletion of the sprinkler requirements from the <i>2009 International Residential Code</i> . Legislation has also been introduced to prohibit any local jurisdiction from adopting a local code provision that is more stringent than the state code.
Delaware	Pending Action	Delaware does not adopt a statewide residential building code. Current sprinkler debate is occurring in New Castle County.
District of Columbia	No Action Reported	
Florida	No Mandate- Legislation Passed	Passed Legislation that will exempt the state to adopt any portion of a nationally recognized code that will mandate residential sprinklers in one- and two-family dwellings and other similar residential occupancies.
Georgia	No Mandate- Legislation Passed	Passed Legislation that will exempt the state to adopt any portion of a nationally recognized code that will mandate residential sprinklers in one- and two-family dwellings and other similar residential occupancies.
Hawaii	Pending Action	House and Senate have passed resolutions supporting residential fire suppression systems. A review committee has been established to study the need for mandates.
Idaho	No Mandate- Legislation Passed	Passed Legislation that will exempt the state to adopt any portion of a nationally recognized code that will mandate residential sprinklers in one- and two-family dwellings and other similar residential occupancies.
Illinois	No Action Reported	
Indiana	Pending Amendment	The Indiana Fire and Building Safety Commission completed its review of the 2009 International Residential Code and elected not to adopt the entire 2009 IRC for budgetary reasons.
Iowa	No Mandate- State Building Code Only	SJR 2009 passed in both the House (91-2) and Senate (49-0) in March 2010. This joint resolution nullifies portions of an administrative rule adopted by the Iowa Department of Public Safety requiring the installation of automatic residential fire sprinkler systems in townhouse and one & two family dwellings where the State Building Code applies. **Home Rule remains in effect for all city and county jurisdictions allowing them to adopt a residential fire sprinkler mandate.
Kansas	No Mandate- Legislation Passed	Passed Legislation that will exempt the state to adopt any portion of a nationally recognized code that will mandate residential sprinklers in one- and two-family dwellings and other similar residential occupancies.
Kentucky	No Action Reported	The state has decided to skip the adoption of the 2009 IRC.

Louisiana	No Mandate- Legislation Passed	Passed Legislation that will not permit the state to adopt any portion of a nationally recognized code that will mandates residential sprinklers in one- and two-family dwellings.
Maine	No Mandate- Code Amended	Uniform Building and Energy Code Board voted to exclude residential sprinklers for one- and two-family dwellings from the adoption of the 2009 IRC.
Maryland	Mandated- 2009 IRC Adopted	Moving Forward with the adoption of the 2009 IRC without amending residential fire sprinklers. Currently One- and Two-Family Dwellings are not required to have sprinklers installed until the Effective date of January 1, 2011. Local jurisdictions still have the ability to amend state code.
Massachusetts	Pending Amendment	The State Building Code Review Board approved an amendment to strike the mandatory sprinkler requirements for one- and two-family dwellings and townhouses, under specified square footages. There will be a series of public hearings to allow for public comment on these amendments towards the end of this year.
Michigan	No Mandate- Regulatory Action	The Department of Energy, Labor and Economic Growth made the decision to remove mandatory sprinklers from the code based.
Minnesota	No Mandate- Regulatory Action	The Minnesota Department of Labor and Industry issued a regulatory letter indicating that the state would not be adopting the 2009 International Codes in an effort to reduce the budget.
Mississippi	No Mandate- Legislation Passed	Introduced Legislation in 2011 to prohibit any jurisdiction from lawfully requiring Sprinklers in one- and two- family dwellings. Legislation has been approved and was signed by the Governor.
Missouri	No Mandate- Legislation Passed	State Legislation was passed that would not require residential sprinklers in new home, but would require the home builder provide the potential homebuyer the option.
Montana	Pending Legislation	Introduced Legislation in 2011 to prohibit any jurisdiction from lawfully requiring Sprinklers in one- and two- family dwellings. Legislation passed by both the House and the Senate and is awaiting signature by the Governor.
Nebraska	No Mandate- Legislation Passed	Introduced Legislation in 2011 to prohibit any jurisdiction from lawfully requiring Sprinklers in one- and two- family dwellings. Legislation has been approved and was signed by the Governor.
Nevada	Pending Legislation	Introduced Legislation in 2011 to prohibit any jurisdiction from lawfully requiring Sprinklers in one- and two- family dwellings.
New Hampshire	No Mandate- Legislation Passed	State Legislation was passed that would not require residential sprinklers in new home, reversing the decision made by the New Hampshire State Building Code Review Board which voted to adopt the 2009 IRC without amending the sprinkler provision.
New Jersey	No Mandate- Regulatory Action	On August 4 th , 2010 the Department of Community Affairs had officially rescinded the requirement for mandating sprinklers in one- and two- family dwellings. The issue will be revisited with the publishing of the <i>2012 International Residential Code</i> .
New Mexico	No Mandate- Legislation Passed	Passed Legislation that will not permit the state to adopt any portion of a nationally recognized code that will mandates residential sprinklers in one- and two-family dwellings.
New York	No Action Reported	
North Carolina	No Mandate- Code Amended	Building Code Council has Completed the Rules process for the 2012 NC Codes. The Council rejected an effort to require residential sprinklers in single-family homes as called for in the 2009 International Residential Code (IRC).

North Dakota	No Mandate- Legislation Passed	Passed Legislation that will not permit the state to adopt any portion of a nationally recognized code that will mandates residential sprinklers in one- and two-family dwellings.
Ohio	Pending Amendment	There is discussion that the State Building Code Review Board will be discussing the potential deletion of the sprinkler requirements.
Oklahoma	Pending Amendment	There is discussion that the State Building Code Review Board will be discussing the potential deletion of the sprinkler requirements from one and two family dwellings.
Oregon	Pending Amendment	There is discussion that the State Building Code Review Board will be discussing the potential deletion of the sprinkler requirements from one and two family dwellings.
Pennsylvania	No Mandate- Legislation Passed	Governor Corbett Signed HB 377. This bill will reverse the sprinkler mandate that was approved by the Building Code Review Committee in 2010 and require all builders in the Commonwealth to provide potential buyers with information on residential fire sprinklers.
Rhode Island	No Mandate- Code Amended	THE RHODE ISLAND BUILDERS ASSOCIATION SUPPORTS PASSAGE OF SBC-2, which removes the mandatory requirement for sprinklers in 1 and 2 family homes and provide for their installation at the request of the buyer.
South Carolina	No Mandate- Legislation Passed	Introduced Legislation in 2010 to prohibit any jurisdiction from lawfully requiring Sprinklers in one- and two- family dwellings. Bill signed by the Governor would postpone any enforcement of the mandate until January of 2014.
South Dakota	No Mandate- Legislation Passed	Passed Legislation that will not permit the state to adopt any portion of a nationally recognized code that will mandates residential sprinklers in one- and two-family dwellings.
Tennessee	No Mandate- Legislation Passed	Passed Legislation that will not permit the state to adopt any portion of a nationally recognized code that will mandates residential sprinklers in one- and two-family dwellings
Texas	No Mandate- Legislation Passed	Passed Legislation that will not permit the state to adopt any portion of a nationally recognized code that will mandates residential sprinklers in one- and two-family dwellings
Utah	No Mandate- Legislation Passed	Passed Legislation that will not permit the state to adopt any portion of a nationally recognized code that will mandates residential sprinklers in one- and two-family dwellings
Vermont	No Mandate- Code Amended	The Vermont Fire & Building Safety Code has been updated effective June 15, 2009. As currently required the State of Vermont, requirements for residential sprinklers in one- and two- family dwellings have been amended out of the adoption of the 2006 Life Safety Code.
Virginia	No Mandate- Code Amended	At the Board of Housing and Community Development meeting in July 2009, the board adopted proposed regulations which deleted the sprinkler provisions of the 2009 edition of the International Residential Code. The updates to the Virginia USBC will be final on March 1, 2011.
Washington	No Mandate- Code Amended	On November 12, 2009 the Council completed adoption of the 2009 International Building, Residential, Mechanical and Fire Codes and the 2009 Uniform Plumbing Code. These codes, with state amendments, will be effective on July 1, 2010. The Council amended the 2009 IRC Section 313: Automatic Fire Sprinklers, moving this section to an appendix, pre-approved for local adoption
West Virginia	No Mandate-	The State of West Virginia has completed the adoption process of the 2009 International Codes, and has excluded the requirements for

	Code Amended	mandatory sprinklers by deleting Section R313 from the 2009 International Residential Code.
Wisconsin	No Mandate- Code Amended	Wisconsin revised their Uniform Dwelling Code to mirror the 2009 International Residential Code. In regards to the 2009 IRC requirement for sprinklers in one- and two- family, Wisconsin did not include the mandatory installation language.
Wyoming	No Action Reported	

Honolulu House Fires

Source: Honolulu Advertiser/Star-Bulletin

2005

1. April 8, 2005. 815 Lopez Lane, Palama. No injuries. Smoke from bedroom windows; allegedly originated in a middle room. Estimated damage at \$275,000. (TMK 16001057; built 1912.) <http://archives.starbulletin.com/2005/04/08/news/story7.html>
2. June 17, 2005. 2441 Yvonne Place, Palolo. Older, wooden home. One dead, in his 70's; lived alone. (TMK: 34029001, built 1952.) <http://the.honoluluadvertiser.com/article/2005/Jun/17/br/br14p.html>
3. September 30, 2005. Ho'opi'o Street in 'Ewa Villages. Suspected arson. Two-story, single-wall home. No one home during fire. Damage estimated at \$450,000. <http://the.honoluluadvertiser.com/article/2005/Sep/30/ln/FP509300368.html>

2006

1. December 20, 2006. 684 Iana Street, Kailua. No one home during fire. Electrical problem blamed for fire. Damages estimated at \$250,000 to structure, \$50,000 to contents. (TMK: 4-2-046:029, built 1960.) <http://the.honoluluadvertiser.com/article/2006/Dec/20/br/br9371206485.html>
2. November 16, 2006. 'Ewa Beach. Determined as arson by stepson of victim. <http://www.kitv.com/news/10349286/detail.html>

2007

1. April 5, 2007. 1222 Honokahua Place. Family of four was home. Home was 35 years old. Damages estimated at \$320,000 for structure and \$70,000 for contents. <http://archives.starbulletin.com/2007/04/05/news/story12.html>
2. April 10, 2007. Lalawai Drive in Halawa Heights. Suspected arson. <http://the.honoluluadvertiser.com/article/2007/Apr/11/br/br0625174389.html>
3. May 6, 2007. Pohaku Street, Kalihi. 93-year old man died in a back room. Caused by a space heater in victim's room that was positioned too close to the bedding. Damages estimated at \$200,000 to structure and contents. <http://the.honoluluadvertiser.com/article/2007/May/06/ln/FP705060358.html>
4. May 8, 2007. Waiālae Iki. Caused by an electrical short. Damages estimated at \$350,000. No injuries. Smoke detectors present, but not sure if triggered. <http://www.firehouse.com/news/news/family-escapes-honolulu-house-fire>

2008

1. April 1, 2008. Niu Valley, end of Puamamane Street. Home of Nainoa Thompson and Kathy Muneno. Caused by a malfunction of an electric tankless water heater. Damage estimated at \$300,000 to structure and \$50,000 to contents. No injuries.
<http://the.honoluluadvertiser.com/article/2008/Apr/01/In/hawaii804010334.html>
2. April 27, 2008. 1218 Ala Pili Loop, Salt Lake. Damages estimated at \$450,000 to structure and \$30,000 to contents. One man living alone escaped. (TMK: 11068054; built 1971.)
<http://archives.starbulletin.com/2008/04/28/news/briefs.html>
3. June 6, 2008. 91-984 Waimomona Place, 'Ewa's Soda Creek subdivision. Damage estimated at \$410,000 to structure and contents. Man escaped. (TMK: 9-1-051:033; built 1989.)
<http://the.honoluluadvertiser.com/article/2008/Jun/07/br/hawaii80607048.html>
4. June 6, 2008. 91-992 Waimomona Place, 'Ewa's Soda Creek subdivision. Damages estimated at \$430,000 for structure and contents. Woman escaped. (TMK: 9-1-051:032; built 1989.)
<http://the.honoluluadvertiser.com/article/2008/Jun/07/br/hawaii80607048.html>
5. June 8, 2008. 1000 block of Kamahale Street, Enchanted Lake, Kailua. No injuries. Home was unoccupied. Suspected arson. Damages estimated at \$40,000 for structure and \$5,000 to contents.
6. November 28, 2008. Mililani. <http://www.topix.com/forum/city/honolulu-hi/TF1SG1UMDFBPJR803#comments>
7. December 19, 2008. Ala Moana apartment, The Commodore. Caused by a clock radio's electric malfunction. No one home during fire.
<http://exactproductsinc.com/WordPress/?cat=15>
8. December 27, 2008. 45-114 Pua'ae Place, Kaneohe. No one home during fire, which started shortly after power resumed. (TMK: 4-5-084:048; built 1963.)
<http://www.kitv.com/news/18367181/detail.html>
9. December 27, 2008. Ahuimanu Road, Kaneohe. Witnesses saw intense flames shortly after power resumed. <http://www.kitv.com/news/18367181/detail.html>

2009

1. April 23, 2009. 2069 Mauna Place, above Roosevelt High School, Makiki. (TMK: 2-4-037:031; built 1952.) 2 confirmed dead. 10-15 minutes to completely destroy the home. 8 people in the home when started. Alleged arson. Owner escaped after smoke alarms went off. <http://www.kitv.com/news/19259873/detail.html>

2. May 12, 2009. Mahau Street, at intersection of Meheula Parkway and Kamehameha Highway. Four people escaped two-story home.
<http://www.kitv.com/news/19441720/detail.html>
3. October 30, 2009. Anoi Street, Kaneohe. Wood structure. No injuries. Damages estimated at \$500,000 for structure and \$100,000 to neighbor's home.
<http://www.kitv.com/news/21478971/detail.html>
4. November 8, 2009. 1277 Kipaipai Street, Pearl City. (TMK: 97024027; Permitted 1974.) Ten people resided. Damages estimated at \$50,000 to structure and \$3,000 to contents. Damage limited to upstairs bedroom. Some smoke detectors present.
<http://the.honoluluadvertiser.com/article/2009/Nov/09/br/hawaii311090017.html>
5. November 25, 2009. Bertram Street, St. Louis Heights. Caused by electrical short. Two people escaped. Roof made out of aluminum.
<http://www.kitv.com/news/21724367/detail.html>
6. December 25, 2009. 95-604 Wehewehe Loop, Mililani. Suspected arson. Damages estimated at \$500,000. Single-story wooden home. No injuries. (TMK: 9-5-018:067; built 1969.)
<http://www.kitv.com/news/22059921/detail.html>

2010

1. January 11, 2010. 2740 Pacific Heights Road. Caused by arson to cover up a burglary. Estimated damage at \$50,000 to structure and \$5,000 in property damage. No one home and no injuries. (TMK: 2-2-030:013; built 1929.)
<http://the.honoluluadvertiser.com/article/2010/Jan/11/ln/hawaii1110345.html>
2. January 13, 2010. Ala Hoku Place. Moanalua Valley. No injuries.
<http://www.kitv.com/news/22231386/detail.html>
http://www.youtube.com/watch?v=v_GuoF33iww
3. February 22, 2010. Victoria and Green Streets, Makiki. No injuries.
<http://www.youtube.com/watch?v=5OVLtakPIMg>
4. March 1, 2010. 760 Hauoli Street, McCully apartment complex. Suspected arson. (TMK: 2-3-031:028; built 1941.)
<http://the.honoluluadvertiser.com/article/2010/Mar/01/br/hawaii303010006.html>
5. March 3, 2010. Ho'olaule'a Street, Pearl City. 89-year old victim; lived alone. Damages estimated at \$250,000.
<http://the.honoluluadvertiser.com/article/2010/Mar/03/ln/hawaii3030346.html>

6. July 30, 2010. 2203 Ahe Place, Palolo. (TMK: 3-4-003:010; built **1954, 1966, 1974**.) Suspected arson. No one home. Damage estimated at \$250,000.
http://www.staradvertiser.com/news/breaking/Police_looking_for_arsonist_in_Palolo_house_fire.html?id=99663254
7. August 30, 2010. Pohakupuna Road, 'Ewa Beach. 70-year old resident in critical condition from smoke inhalation. Caused by an unattended cigarette. Estimated \$85,000 in damages.
<http://www.hawaiinewsnow.com/Global/story.asp?S=13070478>
8. October 1, 2010. Waianae.

2011

1. February 25, 2011. 923 Lolena Street, Alewa Heights. Home abandoned. Damages estimated at \$300,000. Other homes also damaged. (TMK: 1-6-010:087; no data.)
<http://www.firefighterclosecalls.com/news/fullstory/newsid/130247>
2. April 27, 2011. 3953 Koko Drive, Wilhelmina Rise. Speculated that the explosions may have come from other oxygen tanks in the home. A couple in their 80's was critically injured. (TMK: 3-3-014:072; Built **1957**.)
http://www.staradvertiser.com/news/breaking/Large_fire_engulfs_house_on_Wilhelmina_Rise.html?id=120798264
3. May 31, 2011. Cottage next door to a mansion at 1 Kokee Place, Portlock. Damages were estimated at \$600,000. One person at home in the cottage got out without injuries. (TMK: 3-9-026:003; built **1971**.)
<http://www.staradvertiser.com/news/breaking/122891579.html?id=122891579>
4. June 8, 2011. 94-326 Apele Street, Mililani. Two women who were sleeping in the home escaped without serious injury after they were awakened by the smell of smoke. (TMK: 9-4-105:038; built **1979**.)
<http://www.staradvertiser.com/news/breaking/123472894.html?id=123472894>
5. June 10, 2011. Puhikani Place, Ewa Beach. Wife had just put a load of laundry in the dryer when she heard an explosion and saw flames. Three people were home and escaped without injury. Garage suffered extensive damage, but firefighters were able to help keep the fire from damaging the home.
http://www.staradvertiser.com/news/breaking/Firefighters_extinguish_fire_at_home_of_police_union_president.html?id=123639909
6. July 11, 2011. End of La'i Road off 10th Avenue, Palolo Valley. Two victims, elderly couple. Wood structure. <http://www.kitv.com/video/28517248/detail.html>

7. August 2, 2011. Two house fires: Pilimai Street, Waipahu, Waipahu Gardens Subdivision. Started in the back of the house. Kitchen fire with hot oil. Kapahu Street in Papakolea. Home belonged for former fire fighter. <http://www.kitv.com/video/28748832/detail.html>
8. September 25, 2011. Waimano Home Road, Pearl City. A cooking fire caused \$6,000 in damage. <http://www.staradvertiser.com/news/breaking/130548728.html?id=130548728>
9. November 1, 2011. 49-020 block of Kamehameha Highway, Kahaluu. The two-bedroom home was built of redwood and constructed in the **1950s**. No injuries. Damage was estimated at \$300,000. Fire source was 500 feet away.
<http://www.staradvertiser.com/news/breaking/133057243.html?id=133057243>
10. November 24, 2011. 2634A Kalihi Street. Caused by a malfunctioning desk fan. A man in his 70s suffered a minor burn in the blaze. Dollar loss estimated at \$250,000. (TMK: 1-3-038:014; built **1980**.)
<http://www.staradvertiser.com/news/breaking/134458963.html?id=134458963>
11. November 25, 2011. 640 Palawiki Street, Enchanted Lake. No one home. (TMK: 4-2-041:062; built **1959**.)
<http://www.staradvertiser.com/news/breaking/134521273.html?id=134521273>
12. November 28, 2011. Nihi Street, Kalihi Valley. Fire was accidental due to unattended cooking (fried chicken). Possible portable propane tanks stored in home.
<http://www.kitv.com/news/29874308/detail.html>
13. November 29, 2011. Foster Village. Intentionally set. Damages estimated at \$5,000 to structure and \$1,000 to contents.
<http://www.therepublic.com/view/story/5f1e9a10d29a4bda8aefb7acd0bca553/HI--Fire-Attempted-Murder/>
14. December 1, 2011. 91-834 Kimopelekane Road, 'Ewa. No injuries. Damages estimated at \$275,000. (TMK: 9-1-008:006; built **1959**.)
<http://www.khon2.com/content/news/developingstories/story/Fire-destroys-three-bedroom-home-in-Ewa-Beach/5kLO4ZM AEaKrnvgdlodGg.csp>
15. December 4, 2011. 2243 Sea View Avenue, Lower Manoa. (TMK 2-8-016:013; built **1941, 1954, 1960**.) No injuries. Damages estimated at \$200,000 to home and contents. Three other homes damaged, approximately \$50,000.
<http://www.kitv.com/news/29919331/detail.html>
16. December 15, 2011. Bachelot Street, Liliha. 77-year old victim found on the second floor of the house. The front part of the home was on fire.

http://www.msnbc.msn.com/id/45670970/ns/local_news-honolulu_hi/t/woman-dies-injuries-liliha-house-fire/#.Tu_YvjUeN5g

17. December 16, 2011. Kaipii Street, Kailua. Fire began in a cabinet located in the living room and was caused by a malfunction of a game console battery charger. Estimated damage at \$400,000. <http://www.kitv.com/news/30067057/detail.html>
18. December 17, 2011. Makule Road, 'Ewa. Damages estimated at \$250,000 for structure and \$50,000 to contents. Fire appeared to have started in the kitchen. No injuries. <http://www.staradvertiser.com/news/breaking/135816908.html?id=135816908>
19. December 21, 2011. 434 Launiu Street, Waikiki. Flames started in the living room of a downstairs rental unit and was caused by a hand-held electric massager. Damage estimated at \$450,000. (TMK: 2-6-017:046; built 1941.) <http://www.kitv.com/news/30067057/detail.html>



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January 25, 2012

Senator Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
State Capitol, Room 231
Honolulu, Hawaii 96813

RE: SB 2397, Relating to Fire Protection

Dear Chair Espero and Members of the Committee:

I am Greg Thielen, President and RME of Complete Construction Services. I am a Small Business Owner and have over 20 years experience in the Construction Industry.

I strongly SUPPORT SB 2397 and request you pass this bill with amendments.

Because of the way State law dictates counties adopt codes and because of certain special interest groups within the counties themselves it is almost certain that all four counties will mandate fire sprinklers in every single family home within the next year or two. This law is necessary to prevent that from happening.

Why should the State of Hawaii oppose fire sprinklers in single family homes? Mandating fire sprinklers drives up the cost of housing while providing new meaningful improvement to life/safety issues. It is a simple cost benefit analysis and the cost is huge and the benefit is non-existent.

Thank you for the opportunity to provide this testimony.

Sincerely,

Greg Thielen
President/RME

PLUMBING & MECHANICAL CONTRACTORS ASSOCIATION OF HAWAII



TELEPHONE: (808) 597-1216
FAX: (808) 597-1409
1314 S. King Street, Suite 961
Honolulu, Hawaii 96814

GREGG S. SERIKAKU
EXECUTIVE DIRECTOR

Via Email

January 24, 2012

Senator Will Espero
Committee on Public Safety, Government Operations and Military Affairs
The Senate
The Twenty-Sixth Legislature, Regular Session of 2012

Chair Espero, Vice Chair Kidani, and Members of the Committee:

SUBJECT: SB 2397 Relating to Fire Sprinklers

My name is Gregg Serikaku. I am the Executive Director of the Plumbing and Mechanical Contractors Association of Hawaii. Our Association represents 40 major plumbing and mechanical contractors who employ over 1,000 mechanics, technicians, managerial staff, and administrative personnel here in Hawaii.

The Association for which I speak is **strongly opposed** to SB 2397.

The State Building Code Council task force is currently investigating the feasibility of implementing the residential fire sprinklers section of the International Residential Code. This task force which is made up of fire department officials, building officials, architects, contractors, home builders, and other industry representatives, meets on a monthly basis and invites comments from all interested parties in an effort to openly address all concerns regarding this issue. The task force is currently researching the costs involved with residential fire sprinklers.

The proposed SB 2397 would preempt the work of the task force by creating a blanket prohibition on counties adopting the residential fire sprinkler requirements.

This oppressive bill does not consider the many benefits associated with residential fire sprinklers such as life safety, insurance savings, water conservation, pollution control, fire fighter safety, and possible development of rural areas.

We propose that this committee allow the residential fire sprinkler task force to first complete their work and provide a report on their findings before any type of blanket prohibition is implemented.

We therefore respectfully urge the committee to hold this bill.

Respectfully yours,

Gregg S. Serikaku
Executive Director



Testimony of C. Mike Kido
External Affairs
The Pacific Resource Partnership

Senate Committee on Public Safety, Government Operations, and Military Affairs
Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

SB 2397 – Relating to Fire Sprinklers
Thursday, January 26, 2012
2:50 pm
Conference Room 224

Aloha Chair Espero, Vice Chair Kidani, and Members of the Committee:

My name is C. Mike Kido, External Affairs of the Pacific Resource Partnership (PRP), a labor-management consortium representing over 240 signatory contractors and the Hawaii Carpenters Union.

PRP believes that building codes should be lenient and not mandated for fire sprinklers for the following reasons.

First, Hawaii had the nation's lowest fire death rate in 2008, 1.6 per million residents, according to data compiled by the U.S. Fire Administration (a branch of FEMA). The national rate was 12.0 deaths per million. (The District of Columbia topped the list at 32.2 million.)

Nationally, residential building electric malfunction fires are trending downward, going from 30,000 in 2006 to 26,100 in 2010, a decline of 13%. Heating-related malfunctions are the second leading cause of residential fires in the US. Because few Hawaiian homes have heating systems, the incidence of residential fires is lower than the elsewhere.

According to the National Fire Protection Association, up to 90% of residential fires are contained by the operation of just one sprinkler, and that fatality risk is reduced by about 80% with automatic fire sprinkler systems.

Next, FEMA estimates the cost of a home sprinkler system in new construction at \$1.61 per square foot. The Building Industry Association of Hawaii calculates that the average size of a new single-family home is 2,377 square feet. Using the FEMA estimate, the additional cost of system installation comes to \$3827 for an average home.

Hawaii's distance and other factors together make the FEMA estimates low. A 20% Hawaii premium would mean installation costs of \$1.92 per square foot. Using three estimates for new residential construction costs (\$100, \$150, and \$200 per square foot) suggest the additional cost of a sprinkler system would be 1.92%, 1.28%, and 0.96%, respectively. These figures are in line with national estimates, which assume that home fire sprinkler installation adds 1-1.5% to the total building cost in new construction. Based on new SFH area of 2,377 square feet, the incremental increases would thus be partly mitigated by Hawaii's overall construction costs, with the biggest percentage burden falling on builders/owners of cheaper units.

According to the National Fire Protection Association, almost two-thirds of home fire deaths resulted from fires in homes without smoke alarms (38%) or with non-functioning fire alarms (24%). The 1994 Uniform Building Code Section 310.9.1 adopted by Hawaii requires residents to install smoke detectors in all new and renovated dwelling units.

The death rate per 100 reported home fires, NFPA data shows, is twice as high in homes without a working smoke alarm as it is in those protected by functioning alarm systems. NFPA has also cited a survey showing that in one-fifth of US homes with smoke alarms the alarms were not working.

Statewide fire policy is coordinated by the State Fire Council (SFC), on which the chiefs of the four county fire departments and other administrators serve. The SFC's aim is to "develop a comprehensive fire service emergency management network of the protection of life, property, and the environment through the state." The current state fire code was approved by the sitting governor in 2001; Maui was the final county to adopt the code, in 2006, while Hawaii County continues to utilize a 1988 code due to legal issues. According to the Honolulu Fire Department's website, Hawaii and Colorado remained the only two states not having a state fire marshal as of June 1, 2009.

Thank you for the opportunity to share our views with you and we respectfully ask for your support on SB 2397.



Alan Shintani INC.
GENERAL CONTRACTOR BC 13068

January 26, 2012

Senator Will Espero, Chair
Committee on Public Safety, Government Operations, and Military Affairs
State Capitol, Room 231
Honolulu, Hawaii 96813

RE: SB 2397, Relating to Fire Sprinklers

Dear Chair Espero and Members of the Committee:

Thank you for holding a hearing on SB 2397, which prohibits counties from requiring installation or retrofitting of automatic fire sprinklers in new or existing one- or two-family dwelling units used only for residential purposes. **Alan Shintani, Inc. strongly supports SB 2397 with an amendment.** I would like to propose an amendment so SB 2397 will read, "No code adopted by a county may include a requirement that fire sprinklers be installed in a single-family dwelling or a residential building that contains no more than two dwelling units."

Alan Shintani, Inc. opposes mandating fire sprinklers in new one- and two-family homes because: 1) new homes are now being built with better fire safety measures and other fire safety measures are required that are proven to save lives; 2) fire sprinklers are not cost-effective; 3) targeted fire safety education programs work; 4) fire sprinklers have not been proven to enhance the safety of occupants; and 5) if a homeowner wants to install a fire sprinkler, that option should be theirs.

New homes are now built better and safer.

There have been significant improvements to the fire safety of homes over the past few decades leading to a dramatic and continued decrease in fire incidents, injury, death, and property loss. There is no data to suggest that sprinklers will significantly improve this decline. Furthermore, the majority of residential fires that occur today are in older homes that generally do not have many of the improved fire safety features required in today's construction.

Fire sprinklers are not cost-effective.

Costs for residential fire sprinklers can vary, but proponents have only presented cost estimates based on mainland figures and the County of Maui, about \$7,000 to \$9,000. As we have recently seen, Kailua homeowners were quoted a price upwards of \$16,000 for a sprinkler system. It was unclear whether that cost also included connecting the system to the City's water source. Depending on where the new home will be built, issues such as water pressure or whether trenching is required, will also significantly add to the cost of the system. Another substantial expense not included is the cost of shipping, labor, and maintenance.

Fire sprinklers have not been proven to enhance the safety of occupants.

Sprinkler mandates apply only to new homes, which are those homes at least risk. Based on National Fire Protection Data, the risk of death in a home with sprinklers is still close to 30% with property loss still being substantial. Overall, this would still be far less than the total cost of sprinklers under mandatory requirements.

Homeowners should decide.

The homeowner should decide whether a sprinkler system is what they want. Even though the government is responsible for the public's health and safety, the homeowner is still who will bear the additional cost. Proponents also discuss a possible tax credit as an incentive to install fire sprinklers. However, if sprinklers are mandated, tax credits as incentives do not work.

Hawaii would not be the first state to do what SB 2397 proposes to do. To date, according to the National Association of Home Builders, at least 33 states across the nation either have amended the mandate out at the state level, or have passed legislation requiring that no model code be adopted by a municipality mandating residential sprinklers.

Finally, the State Building Code Council (SBCC) has formed an investigative committee that is preparing a report addressing infrastructure and access relating to fire sprinklers. That report is due to the Legislature in 2015. However, discussions at the SBCC on the upcoming 2009 IRC, which includes the sprinkler requirement, will likely begin in mid-2012 and can be adopted before the committee report is due.

Alan Shintani, Inc. strongly supports SB 2397 with an amendment.

Thank you for the opportunity to share my views with you.

Sincerely,



President
Alan Shintani, Inc.