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TESTIMONY IN OPPOSITION TO HB 2026

Chairman Tarwater, Vice-Chairman Corbert, Ranking Member Frownfelter and members of the House Commerce Labor and Economic Development Committee, I submit this testimony today in opposition to HB 2026. My name is Tim Ryan and I am a certified building official representing the Heart of America Chapter of the International Code Council (HOA ICC). HOA ICC is representative of building officials throughout the State of Kansas.

This bill, as currently proposed, is substantially improved over HB 2741 from the 2018 session. However, HB 2026 still creates areas of vagueness, creates a bureaucracy that could negatively impact the Automatic Fire Extinguishing industry within the State of Kansas and pre-empts local licensing laws.

HOA ICC is concerned as to what problems are being solved with this proposed bill. In today's culture of promulgating and enforcing codes, it is essential that we base these actions on sound data and building science. We believe that these types of laws should follow suit. From the testimony on HB 2741, we have heard only one example that was given of one mis-installed sprinkler head in a single building. This does not give rise to the extent of this bill. In researching this issue, we have not been able to find one incident of an automatic fire extinguishing system in the State of Kansas that failed to control or extinguish a fire due to improper installation. This is largely due to enforcement procedures by local building and fire departments and the redundant nature of these systems. Further, having served in the Building Safety Division with the City of Overland Park for almost 40 years, 20 of those years as Code Administrator, we did not have one incident of an automatic fire suppression system that failed due to improper installation.

I am including in this testimony information from a 2017 report from the National Fire Protection Association (NFPA), which, shows that fire sprinkler operation and effectiveness of these systems during fires operate at 92% effectiveness. (see attached information) In those that did not operate, 59% failed due to being shut off. According to NFPA, within the State of Kansas, the state averaged 9.77 deaths per year. Further, the number of deaths in Kansas, due to fire, is trending downward. Between 1981 and 1985, Kansas averaged over 13 deaths per year. The latest data, between 2012 and 2016 shows an average of just over 9 deaths per year. No data was found of deaths in buildings with automatic fire sprinkler systems.

HOA ICC believes the bill is still vague in certain areas starting with its impact on local municipal building and fire plan review and inspection operations. Will local jurisdictions be expected to assist in enforcement when issuing building permits? Does this bill require these professionals be licensed in accordance with its provisions? One could interpret that it does. These professionals are typically certified under nationally recognized model code and standard organizations within their respective areas of discipline.



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Another area that is not clear deals with limited area sprinkler systems required in certain locations by the adopted model codes within the jurisdictions. These types of systems are very simple and defined as having less than 20 sprinkler heads and usually includes a single sprinkler head installed within a closet, piped from the domestic water system and can be installed by a licensed plumber.

HOA ICC is concerned about Section 13, which, pre-empts local licensing ordinances related to class 2 or class 3 electrical devices or components and power source requirements. These licensing laws and ordinances are very effective at the local level and usually are a source of revenue for the jurisdictions.

An area that we believe needs to be addressed in the bill is that of licensed automatic fire suppression companies from other states. Will those licenses issued by nationally recognized testing agencies in other states be recognized and accepted in Kansas as they are now?

HOA ICC is also concerned with the requirements for background security investigations. We believe this is overly restrictive and could unnecessarily impact fire suppression companies, particularly with currently employed personnel. For the past few years the construction industry has been and is being hampered by the lack of labor. This proposed bill could further impact the labor force. Further, that these types of investigations are typically conducted for employment operations dealing with positions that have responsibilities for government security, law enforcement, financial management, or jobs dealing with highly sensitive information. We do not believe that the fire suppression industry fits into these areas.

Accordingly, the U.S. Equal Rights Commission prohibits denial of employment based on criminal history alone and must be based on business necessity including the nature of the job. Further, the 10-year restriction for having had a felony or misdemeanor far exceeds the minimum penalties for conviction of such felonies or misdemeanors in the State of Kansas.

The HOA ICC are thankful for the opportunity to address this bill before you. While we appreciate the improvements made within HB 2026, we do not believe the bill addresses major concerns and should not be approved at this time.



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RESEARCH

U.S. Experience with Sprinklers

July 2017

Marty Ahrens

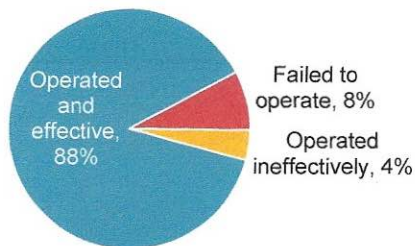
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FACT SHEET » RESEARCH *(continued)*

Sprinkler Operation and Effectiveness

Sprinkler operation and effectiveness

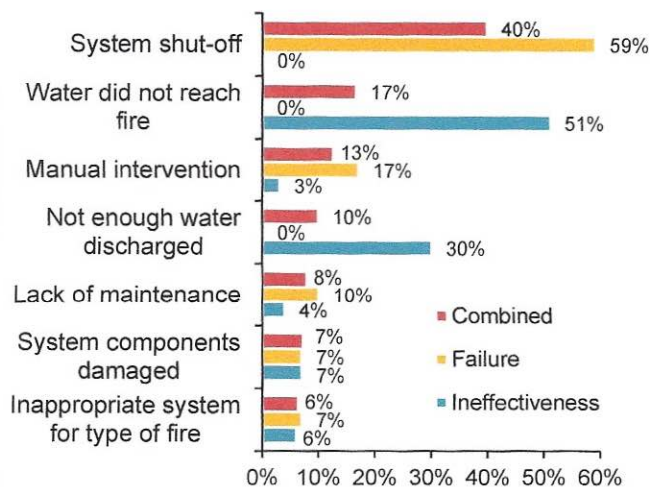


Sprinklers operated in 92% of the fires in which sprinklers were present and the fire was large enough to activate them.

- ▶ Sprinklers were effective at controlling the fire in 96% of fires in which they operated.
- ▶ Sprinklers operated effectively in 88% of the fires large enough to activate them.

Only one sprinkler head operated in four out of five (79%) fires in which sprinklers operated. In 97% of fires with operating sprinklers, five or fewer heads operated.

Reasons for combined sprinkler failure and ineffectiveness



Reported sprinkler failures (660 per year) were twice as common as reported fires in which sprinklers were ineffective and did not control the fire.

- ▶ 40% of the combined sprinkler problems were due to system shut-offs.
- ▶ In three of every five (59%) incidents in which sprinklers failed to operate, the system had been shut off.
- ▶ In half (51%) of the fires in which sprinklers were ineffective, the water did not reach the fire.

Source: *U.S. Experience with Sprinklers*, National Fire Protection Association report, 2017.

Source: NFPA Research: www.nfpa.org/research
 Contact information: 617-984-7451 or research@nfpa.org



NATIONAL FIRE PROTECTION ASSOCIATION

The leading information and knowledge resource on fire, electrical and related hazards

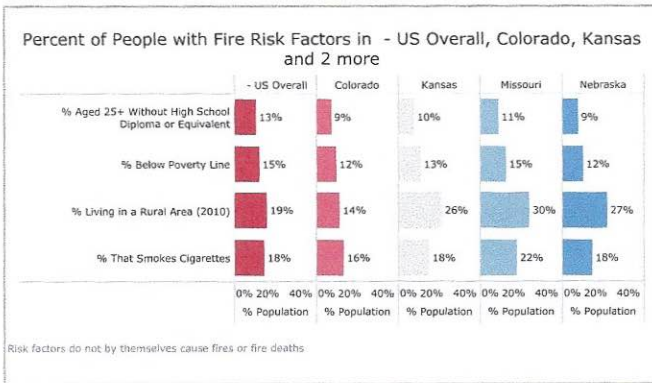
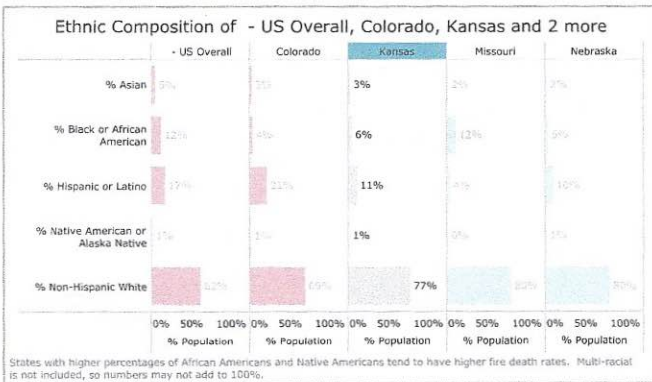
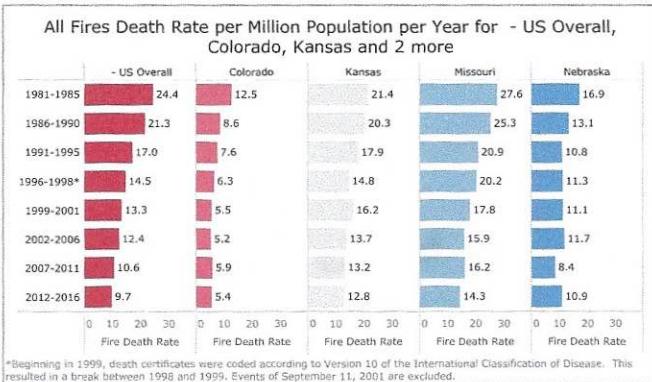
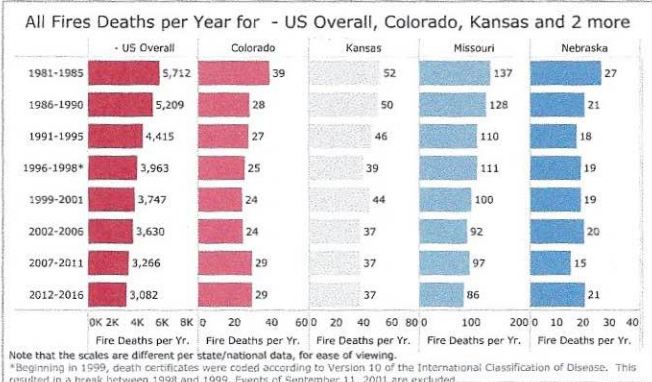
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RESEARCH Compare Fire Death Rates b..

Step 1: Select up to 5 State(s) to Co..
Multiple values

Step 2: Select All Fires or Home Fires
All Fires



1) Fire deaths and fire death rates were obtained from National Center for Health Statistics Vital Statistics System and Census data through CDC's WISQARS (Web-based Injury Statistics Query and Reporting).

2) Vehicle fire deaths are generally captured with transportation data, not with fire data.

3) If the fire was not the direct cause of death, it may not be coded as a fire death Version 10 of the International Classification of Disease (ICD-10) coding system was introduced in 1999. Only deaths from unintentional fires are captured under home fires.

4) Demographic data came from US Census, American Community Survey, and Behavioral Risk Factor Surveillance System.

For more information, see NFPA's 2018 report: *U.S. Fire Death Rates by State*.