

STRUCTURAL BUILDING COMPONENTS MAGAZINE

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New York Fire Regulations by WTCA Staff

This past summer, Sid Ketchum, President of PDJ Components and WTCA's New York Chapter, was made aware of how emotions at the state level can play a key role in quickly passing adverse legislation.

Ketchum was approached locally by the National Retail Lumber Association (NRLA) and the American Forest & Paper Association (AF&PA) about pending legislation that would impact our industry. In a meeting with these groups, he found that there was talk among building code officials to require buildings with "truss type construction" to be labeled with a sign or placard just outside of the building's main entrance. The next day, Ketchum read an article in a local newspaper that confirmed these rumors. The article indicated that a building inspector in the next county made the decision that buildings being constructed in the county would need to be labeled if they included truss construction.

Ketchum's first reaction upon hearing this was to call WTCA to gain assistance and whatever insight staff had on this issue. New York has had a long history of introducing building labeling legislation due to the Hackensack, NJ fire in the mid-1980's. Each time this legislation was introduced, it was not implemented because the facts did not suggest that it was the best approach to pre-fire planning. This time, however, Senate Bill 359 was introduced by Senators Morahan, Fuschillo and McGee. The Assembly also introduced Bill A125 with identical language stating, "All commercial and industrial structures that utilize truss type construction shall be marked by a sign or symbol in a manner sufficient to warn persons conducting fire control and other emergency operations of the existence of truss construction in the structure."

It was decided to employ a strategy of having as many New York Chapter members as possible contact their Senators about this issue. The letter, [LETTER A] prepared by WTCA staff and containing information that was developed by AF&PA, was sent out to all chapter members:

LETTER A

RE: S.359/A.125—Relating to the identification of structures with truss type construction

Dear XXXXXXXX:

Our company, [insert your company name], manufactures [insert components your company manufactures]. Our sales in 2000 were [insert sales volume] and we currently employ [insert number of employees] people with our company. We are a member of the

Wood Truss Council of America (WTCA), the national trade association of metal plate connected wood truss manufacturers. The association represents more than 800 companies across the U. S. that engage in the manufacture of trusses and the distribution of a wide array of related structural building components.

According to the latest industry statistics, in 1998, the truss industry sold approximately \$8.2 billion in trusses throughout the U.S. WTCA estimates that truss manufacturers in the state of New York had approximately \$70 million in sales in 2000 and employed approximately 800 workers.

My company, along with WTCA, respectfully opposes the above-referenced measure that would require a warning placard to be affixed to every building constructed using trusses in New York.

As proposed, this Bill is nothing more than a cosmetic response to a very serious problem—the unnecessary loss of life to firefighters. An amended Bill proposed to the fire service by the American Forest & Paper Association (AF&PA), discussed below, was rejected without serious review. As written, the legislation represents an incomplete approach to enhancing safety for firefighters.

In 1998, the U.S. Congress authorized \$2.5 million for the National Institute for Occupational Safety and Health (NIOSH) to further study the causes of firefighter deaths. In its 1999 report¹, NIOSH identified many steps for the fire service to follow to reduce the possibility of firefighter fatalities. Nowhere in the report is the need for a truss placard identified. In fact, the report indicates that failure to follow established procedures is a major contributing factor to firefighter deaths on the fire ground.

It is significant that NIOSH thereafter issued an alert, not exclusively for truss construction, but calling for heightened awareness by all firefighters of the potential for structural failure. AF&PA's proposed amendments to S.359/A.125 would have specifically provided construction information for all buildings—a seemingly essential piece of information for the fire service, consistent with the NIOSH alert and consistent with WTCA's policy on this very issue.

Additionally, research by the National Fire Protection Association Research Foundation² has shown that the number of firefighters killed or injured in situations implicating the structure itself, is extremely rare. The report makes a far more compelling case for the maintenance of safety equipment (breathing apparatus,

requiring buildings to be sprinklered, etc.).

The Bill, S.359/A.125, also has several other compelling flaws:

- The Bill is unenforceable at a practical level—it would pose enormous liability to local governments, contractors and building owners should the placard not be in place.
- Lack of Pre-fire planning—developing a knowledge base of the types of building construction in local communities is an extremely important part of the day-to-day work of the modern fire service. As with any fire, if one has to be inside a structure for any reason, pre-fire planning can provide needed information about the structural assemblies, but it must be recognized that operating inside any building can be extremely dangerous and appropriate precautions should be taken.
- All buildings constructed in the State of New York are required to comply with numerous life safety, building, and energy codes. Building plans must be filed with local officials so that these are made available to firefighters.

In its present form, we respectfully request this measure be given no further consideration.

Very truly yours,

1 Preventing Injuries and Deaths of Fire Fighters due to Structural Collapse. NIOSH, 1999.

2 National Engineered Lightweight Construction Fire Research Project. NFPA, 1992.

During this process, Ketchum contacted his State Senator, William Larken, about this issue and received verbal support of his, as well as our industry's, position on this legislation. The day after this legislation's introduction into the Assembly, there was a fire at a building in Queens, NY in which three firefighters died. "The actual deaths of these firefighters had nothing to do with truss construction," Ketchum noted. Regardless, emotions were high in the Assembly, and the legislation was passed immediately.

Shortly thereafter Sid received the a letter [LETTER B] from Senator Larken:

LETTER B

July 5, 2001

Dear Mr. Ketchum,

Thank you for your recent correspondence regarding Senate Bill 359, in relation to the identification of structures with truss type construction.

I realize that there are many potential dangers when buildings catch fire. However, the existence of truss construction poses a universal hazard to every firefighter and rescue worker responding to any building fire where the truss system is present. As you know, truss type construction often cannot be identified from the outside of a building and tend to quickly weaken when engulfed by fire. With the combination of a rapidly deteriorating structure and a limited available response time for firefighters, strong support was displayed for New York State to require an identifying sign that will immediately alert firefighters of structures with truss type construction.

As a result of this strong show of support and the desire protect the lives of our firefighters and rescue workers in New York State, Senate Bill 359 was unanimously passed by the Senate and Assembly this past June. It now awaits delivery to the Governor for his final approval.

Thank you again for your correspondence. Should you have any further questions or concerns, please do not hesitate to contact my Albany office.

Sincerely,

William J. Larkin, Jr., New York State Senate

This legislation passed quickly because legislators wanted to show support for firefighters given the emotional charge of the situation. The passing of this legislation was not an educated decision, but an emotional one. This issue has shown Ketchum how important is it to have a positive relationship with his elected officials and to meet with them regularly to educate them about the issues that impact this industry.

From this example, every chapter can learn how important it is to have a chapter grassroots

legislative strategy. This strategy should include periodic contact, meetings and truss plant tours with local legislators. It takes an emotional issue like this to show that, without the understanding and support of local legislators, emotions will win every time. This situation characterizes why it is so very important to put a human face on the truss industry.

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