

Commonwealth of Pennsylvania
Senate Labor and Industry Committee
October 6, 2009

Senate Bill 1001.

Written Testimony of Buddy Dewar.

It is understood that my testimony will be a summary of this written document. Paramount to a successful Legislative process is Committee actions based upon factual and truthful information. This is extremely important when the force and effect of SB 1001 diminishes the level of life safety and property conservation provided the citizens of the Commonwealth of Pennsylvania in relation to the national model building and fire safety codes. Nationally, there have been legislative initiatives emanating from homebuilder associations that have distorted facts and, distressingly, some have testified before Legislative Committees with untruths and factual distortions. ***We implore all Legislators to respond to the issue, not react to the distortions and missteps coming from a stakeholder.***

An example of the homebuilders misstep is “not telling the rest of the story” when quoting smoke detector effectiveness. A common homebuilder association misstep is saying *The National Fire Prevention Association recently reported that the “chances of surviving a reported home fire when working smoke alarms are present are 99.45 percent.”* This is only half of the story! And one Pennsylvania homebuilder spokesman was cited in the Bucks County Courier Times using a fabricated 99.7% survival rate! What the sentence in the NFPA report says is, *The chances of surviving a reported home fire when working smoke alarms are present are 99.45% (100 minus 0.55) vs. 98.87% (100 minus 1.13) in home fires with no working smoke alarms.* What the National Fire Protection Association is saying is there is not a fire death in every fire. Each year, there are an estimated 12,000 deaths due to falls in homes and an estimated 11 million fall injuries in the home. The likelihood of surviving a fall is 99.9%. Does that mean 12,000 deaths are acceptable? Most people would say no. Each year, there are an estimated 37,000 deaths due to motor vehicle crashes and an estimated 6 million reported motor vehicle crashes. The likelihood of surviving a motor vehicle crash is 99.4%. Does that mean 37,000 deaths are acceptable? Most people would say no. Each year, 2.4 million people die of any cause in the country compared to a total U.S. resident population of 300 million. The likelihood of surviving every hazard, threat and illness for a year is 99.2%. Does that mean 2.4 million deaths are acceptable to the sprinkler opponents; that nothing at all should be done to protect Americans from anything, especially when technology exists that could save lives? Most people would say no.

TALKING POINTS

- Our nation’s fire service commends those homebuilding companies that have embraced residential fire sprinklers that are required in all of the applicable national model building and fire codes.
- A vote to approve the provisions of SB 1001 prohibiting fire sprinklers in new residential occupancies has the following effect:
 - Will contribute absolutely nothing to the current housing market which is driven by interest rate, credit history and mortgage availability.
 - Attempts to give the new homebuilder an advantage over the existing home seller.
 - Retains the fire damaged home rebuild market with no regard for property loss, insurance cost/lost ratios, loss of life’s belongings, and loss of life.

- Negatively impacts the existing built environment:
 - The passage of SB 1001 will cause negative points in the ISO insurance rating of communities – this could impact business owners more so than homeowners.
 - The ISO insurance grading schedule is also used by FEMA when determining relief funds following a national disaster – non-compliant with model codes means a reduction in relief funds.
- Costs government more money on infrastructure and services.
- Restricts local government from managing growth.
- Shifts the cost of growth from the builder to government.
- Creates a greater exposure to liability for the homebuilder.
- The homebuilders **falsely** argue that *a \$1,000 increase on a new median-priced home eliminates thousands of potential buyers from the market and would kill the recovery in the housing market* as stated by a PA HBA spokesman in a recent *Bucks County Courier Times* article. Our nation’s housing crisis during 2006-2009 has absolutely nothing to do with the cost of fire sprinklers or granite countertops. The nation’s housing crisis is directly related to mortgage availability or lack thereof. To argue the cost of fire sprinklers or granite countertops will hamper market recovery is grossly false as both can be installed in any priced new home. Our nation is in a deep recession because housing prices rapidly escalated faster than the median wage and some lending institutions chose to grab the moment by weakening loan acceptance criteria. The truth here is a homebuyer is given a dollar limit by the mortgage lender, say \$185,000 for example, based upon credit ratings, income, and interest rates. The homebuyer then searches the 95%+ of existing homes on the market and the 5% of new homes for the one that best meets their needs such as school districts and yard size. At <http://realestate.yahoo.com/Pennsylvania> update on September 14th, there are 87,936 existing homes for sale with a median price of \$185,000 and 181 new homes with a median price of \$366,500. This means only 0.2% of the homes on the market are “new” homes and the median price of the new homes on the market in Pennsylvania is 50.5% higher than the median price for existing homes. **The new home median price is so distantly above the median price for existing, the PA HBA CANNOT argue the new stand-alone site built single-family home is affordable housing for the struggling working class.** Those working families struggling to become homeowners in the Commonwealth are priced out of the new home – the median price of \$366,500 for new homes is 50.5% higher than the median price for existing homes which is \$185,000. The average size of a new home is 2,250 sq. ft., not counting the basement - this is surely beyond the reach of those struggling to buy a new “affordable” home.
- The new homebuilders’ motivation is to add as much “glitter” to the new home making it more attractive to the homebuyer than property available in the vast existing home market. For the want of providing money for more “glitter” in the new home so they can gain a “more attractive” competitive advantage over the existing home market, NAHB and their local affiliate chapters oppose anything that is not on the consumers top ten want list if it adds cost. I recall when the NAHB opposing smoke detectors and ground fault circuit interrupters as unnecessary cost items that are chasing away homebuyers. The NAHB’s opposition to smoke detectors and other safety features has long placed the homebuilder industry in an adversarial role with the fire service. ***The homebuilders have placed their want to add glitter to the new home to gain a market advantage over the existing home above the health, safety and welfare of the public.*** The failure of the NAHB and state HBAs to address the hazardous conditions created by construction products used in today’s homes has exacerbated this adversarial position.

- The total dollar loss from fire in small residential occupancies each year in our nation is over \$7 billion dollars. Fire loss studies from credible third party non-stakeholder sources, specifically Scottsdale, Arizona in its 15-Year report, shows the average fire loss in fire sprinkler protected homes at \$2,166 and non-sprinklered homes at a \$45,019, or a 95.189% decrease in property damage when fire sprinklers are present. Prince George's County Maryland in their 12-year report shows a 96.461% reduction in property loss when fire sprinklers are present. ***Fire sprinklers don't work for the new homebuilder because they reduce their potential rebuild market by 95%+.***
- Local government must provide fire protection services. To restrict local government's ability to apply the national model building and fire codes requires local government to spend more money on services and infrastructure such as water distribution systems. ***Prohibiting local government from applying a national model fire safety code results in an unfunded mandate.*** Therefore, state government should reimburse local government for the millions of added infrastructure and recurring services costs created by this prohibition to provide a safe and cost effective community. Additionally, community insurance rating agencies such as ISO will provide a penalty for all citizens within a community when provisions of the national model code are waived. The ISO Building Code Effectiveness Grading Schedule (BCEGS®) is used to review public building code enforcement agencies and to develop a classification that is provided as advisory information to insurers who may use it for insurance underwriting and rating. If the requirement of the International Residential Code (2009) for automatic fire sprinkler protection of residential dwellings was removed by legislation or local ordinance, BCEGS would not provide full recognition for adoption of code without amendments. A building code enforcement agency which adopted a code with amendments that weaken hazard mitigation issues as defined in the model codes and referenced standards would not receive maximum recognition for code adoption. And even more problematic, the Federal Emergency Management Agency's natural disaster recovery fund procedures calls for a reduction in funding to communities that have experienced a disaster and FEMA uses the BCEGS as a tool for computing disaster relief funds. ***Scottsdale, AZ, 15-year report stated it has 41,408 homes fire sprinkler protected, more than 50% of all homes in the city. The annual fire loss is 2/3 less than communities of similar size. This is a win for local government.***
- The homebuilder has an obligation to build a fire safe home regardless of what government does or does not do or what government allows or does not allow. The national standard of care for new homes in all of the applicable national model building and fire codes requires all new homes to be fire sprinkler protected. Lobbying government to remove fire safety standards from the national model codes for new homes simply deepens the liability hole for the homebuilder, particularly when they are members of an association that actively lobbies for this unsafe condition using known falsehoods for the want of a greater profit margin.
- Homebuilders falsely argue that smoke detectors are the fail-safe solution to reducing fire deaths and tout the reduction of fire deaths during the past 30 years. ***The truth is because of increased public awareness there has been a reduction in the number of home fires during the past 30 years by 44.851%.*** There was an average of one fire death for every 123.36 fires in 1977 compared to one death in every 139.22 fires in 2007. This means we have on average only 15.86 more home fires without a fire death in 2007 than we had in 1977 – good but not impressive. Smoke detectors save lives but they are not the fail-safe cure all purported by the homebuilders. The success of smoke detectors today is demonstrated by the statistic that the most vulnerable in fires are the very young and the elderly or those who cannot self-evacuate when the alarm signals, or people expected to occupy homes. More on smoke detectors later in this report.

- Most insurance companies provide a reduction for homes that are protected with a fire sprinkler system. The reduction ranges between 5 - 15% but averages 7%. As more homes are built with fire sprinklers, the insurance loss/cost numbers will decline and the percent reductions will increase.
- While large commercial fire sprinkler systems must be maintained by a trained and qualified contractor, the uncomplicated residential fire sprinkler system requires little maintenance. The owner can conduct the minor tests on the system such as opening a valve to ensure water flows, and checking fire sprinklers to make sure they are not obstructed. Plumbing systems typically cost more to maintain than fire sprinkler systems because fire sprinkler system materials must meet a much higher level of regulatory compliance.
- The installed fire sprinkler system meets a much higher standard than plumbing. The fire sprinkler system is tested for leaks at a high pressure for an extended period of time prior to occupancy of the home. Accordingly, these systems do not accidentally leak.
- **Homebuilders argue new homes are much more fire safe than older homes. This is grossly false – NAHB is totally aware of this fact, yet the NAHB and its affiliates continue to espouse this misrepresentation.** The fact is the IRC process is controlled by the homebuilder who have completely disregarded the decades of outcry from our nation’s fire service’s call to correct the decline in fire safety in the new home because of new construction techniques and products. A detailed explanation of how this happens is in the ICC process detailed in this report. New homes typically have more open space; therefore less fire compartments to control the fire. Light-weight materials used in 65% of roof trusses and 25% of floor trusses in today’s homes provide superior strength but do not fare well in fires causing roof and floor collapse after much less time exposure to fire. There have been firefighter deaths and injuries directly related to these floor and roofing products and material used in new construction (Google *lightweight construction firefighter safety*) – and a news media investigative report clearly outlining this major life safety concern of the fire service and can be seen at <http://www.wisn.com/video/17971947/index.html>. **The fact is new homes using new cost-saving construction materials and procedures are less safe from fire than homes built without these products.**
- Let the owner decide is another argument used to persuade against a fire safe home. This is like saying let the truckers decide what the speed limit will be on our highways. However, there is a difference, the truckers know the consequences of their speeding; the homebuyer is not aware of the consequences of deleting fire safety and other code required features in their homes. Codes exist because of this disconnect. Should the owner decide on roof truss strength, electrical grounding, and load-bearing walls? Why should safety items that are required in our nation’s model codes be subjected to a decision from the untrained and not technically knowledgeable homebuyer? Let the owner decide was an argument used by Lee Iacocca when airbags first became a requirement in new automobiles. If the life and injury saving airbag was only offered as an option, how many cars today would have this device? Is it rational to promote that the major opponents of fire safety and fire sprinklers, the homebuilders, to act as the sales staff for fire sprinklers?
- Pipe freeze is another concern raised by homebuilders as they debase fire safety. Yes, water filled pipe, plumbing or fire sprinklers, will freeze in cold weather conditions. The difference is the fire sprinkler installation standard has temperature limits and insulation requirements that address this concern. The problem is mitigated by simply following installation and insulation standards.
- The cost of fire sprinklers is grossly misreported by homebuilders; that is unless there is a 500-750% markup. Studies done by non-stakeholders show an average cost of \$1.61 per sq. ft. fire sprinkler cost – the range from \$0.38 to \$3.66 per sq. ft. The high-end price was an exotic mountainside home where the owner chose to have exposed expensive copper tubing and other very rare system features. One “trick” the homebuilders use as they attempt to inflate sprinkler costs is excluding the basement when

computing the cost per sq. ft. Truthfully, a home with a basement will be placed on the market at a higher price than a home without a basement and many of these basements include heating, lighting and often a bathroom. Another “trick” homebuilders use in their distortion of pricing is focusing on a home whose architectural design is unique and therefore demanding a costly fire sprinkler system – one home used for pricing in Massachusetts was a \$16 million home on Nantucket Island where labor housing and transportations costs drove up the cost per sq. ft. The IRC document offers alternative sprinkler system designs including a combination plumbing/sprinkler system intended to minimize costs. Cost estimates for rural installations are also inflated by homebuilders. A rural home with a well already has a well, pump, and storage tank. If the volume of the storage tank coupled with the pump refill rate meets the 10-minute water supply demand for the fire sprinkler system, there is **no** added cost; increasing capacity when necessary is not cost. Also inflated by sprinkler opponents are manufactured housing sprinkler installation costs. Manufactured housing is actually the least cost fire sprinkler system as much of the fire sprinkler system is installed in the factory by trained factory staff with minimal interconnection and commissioning expense required on site.

DETAILED DISCUSSION

The ICC Process. *I am an advocate of the ICC process, it is good, not the best, but absent national construction standards local biases would distort construction requirements and these inconsistencies would diminish life safety in all construction.* The ICC process is not without shortcomings. The homebuilders wished to have their own code instead of following the International Building Code – therefore the International Residential Code was created. The ICC established an IRC Committee whose responsibility was to recommend for ICC vote approval construction criteria that should be in the new home. The problem is the composition of the IRC Committee. Over 80% of our nation’s fire deaths occur in homes yet there is only one fire official with code enforcement responsibilities on the 12 person IRC Committee – the Chair votes only to break a tie so there are typically 11 voting members. Four of the 11 voting members of the IRC committee represent the homebuilders. If the homebuilders want their way they simply need to persuade 2 of the remaining seven committee members and others wishing to improve fire safety or other safety requirements the homebuilders traditionally oppose must persuade 6 of the remaining 7 committee members. This is inherently unfair. If I were on the ICC Board I would ask that 2 of the 4 seats held by homebuilders be given to experienced fire marshals – particularly because of the high fire death rate in homes. This would provide some balance control in the interest of the public whose safety is dictated by this code.

Has this unbalanced committee been problematic? Most definitely! While we encourage new cost saving products and construction practices, when these approaches cause a decrease in safety there must be reasonable response to mitigate these safety concerns in construction. Having to persuade 6 of 7 IRC members puts the public at risk as the homebuilder’s fox watches the code house. With the backing of groups intent on protecting firefighters as well as residents—such as the National Fire Protection Association (NFPA), U.S. Fire Administration, and the International Residential Code (IRC) Fire Sprinkler Coalition—researchers are troubled by lightweight construction (the fire resistance of metal gusseted and glued finger-jointed floor joists as well as oriented-strand wood I-beam floor joists and roof trusses). The consistent structural performance, material-use and cost efficiency of these engineered wood products have made them very popular to homebuilders. Some estimates suggest a 40% labor cost savings installing these products – savings that far exceed the cost of a fire sprinkler

system. But ***for over a decade*** the fire service's real concerns with these new construction products because of quick failure in fire conditions, premature building collapse, have been unheeded. ***The use of these new products have directly caused the death of firefighters and building occupants.*** To verify this long-standing concern one simply can Google ***lightweight construction firefighter safety*** and will find page after page of documents verifying and validating the critical safety concern from the use of these construction products. More information on this long-standing problem can be found at non-stakeholder websites. Underwriters' Laboratory and other testing entities have validated this <http://www.nfpa.org/publicJournalDetail.asp?categoryID=1857&itemID=43878&src=NFPAJournal> & http://info.aia.org/aiarchitect/thisweek09/0731/0731p_lightweight.cfm. concern. One report goes so far as to recommend firefighters be trained to "not enter" the burning building to save that baby because of building collapse concerns of lightweight construction material. Firefighter training and awareness has helped but the most vulnerable is the rural volunteer firefighter – Pennsylvania's first responders are at high risk. How has the homebuilder biased IRC Committee responded to this growing issue of fire fighter and homeowner increased exposure to the use of these cost saving products? They fight every attempt to solve the problem by controlling the fire with fire sprinklers or delaying the collapse by added fire resistant construction material. To put people first, the rest of the code community must override the IRC Committee with a floor challenge vote by a 2/3rd majority – a formidable task.

Our nation's fire service has had enough and I am confident the Pennsylvania Fire Service stands with their brothers and sisters whose risk of death or injury has been raised to extra high levels as a result of construction practices of homebuilders. We are tired of responding to fire death emergencies in residential occupancies – a place where over 80% of U.S. fire deaths in structures occur annually. We are even more outraged when one of our firefighters is killed or injured fighting fire in a residential occupancy that lacks fire suppression features recognized as far back as President Harry Truman as the solution to our nation's fire problem. ***A substantive issue is HOMES BUILT TODAY ARE MUCH LESS SAFE THAN THOSE BUILT 20 YEARS AGO.*** While the National Association of Home Builders and its state affiliates have chosen to ignore the loss of life in fires and other fire safety concern of these products, the fire service has not. The IRC fire sprinkler requirement mitigates fire resistance concerns with light weight and truss connection construction. ***The fire service went to the IRC hearings in Rochester New York to pursue its needed 2/3rd vote for fire safety only to find many opposing votes whose travel expenses were paid for by homebuilder associations.*** Following the homebuilders travel funding practice, the fire service then sought parity, travel funding for the next IRC hearing in Minneapolis. While there were other proposals to help fix the problem, sprinklers extinguish or hold the fire growth eliminating concerns of building collapse. The result was passage of ***the fire sprinkler requirements in the IRC.*** Yet, the homebuilder groups still want to build unsafe homes. They do not want any regulatory authority or national model code telling them they must make their property safe. ***Some states now require homes built with light weight construction to have signs posted at each entry point to warn firefighters of pending danger.*** In other many states, because of new home construction techniques, firefighters are being trained NOT to enter a burning building to save the children and the elderly. ***HOW ABSURD IS THAT?*** Yet the homebuilders turn a blind eye. The public's right to minimum safety is what the Uniform Construction Code, Act 45, is all about. The Commonwealth of Pennsylvania cannot be on the wrong side of this issue. Deleting the problem solving fire sprinklers from the national model codes will declare Pennsylvania a second class state. Will the self-interest of a few take precedents over the safety of its citizens and first responders?

There exists an interrelationship between code requirements. For example, if one were to delete fire sprinklers in all nursing homes, the many code requirements that have been established on the assumption that fire sprinklers are present must be revisited – travel distance to exit, fire stopping requirements, fire resistive rates - all of these parameters have been established expecting fire sprinkler intervention. The fire sprinkler requirement in the IRC is intended to mitigate light weight construction problems and the increased fire loading of modern contents. The Senate Committee must consider cause and effect of removing a code provision that is intended to mitigate safety concerns caused by other code allowances.

The NAHB filed a complaint with the ICC because they lost the vote in Minneapolis. The NAHB had the unbelievable position of arguing that outside stakeholders cannot reimburse voting attendee travel expenses – *something the NAHB has done for years*. In essence what they were saying is that it is acceptable for the homebuilders to pay for voter attendee travel but no other interest group may do so. The ICC correctly rejected the NAHB complaint.

Our nation's fire service has given the NAHB a very big message. Self-interest control over the IRC code promulgation process is not acceptable, particularly when this construction code allows new construction materials that have without any doubt led to fire fighter death and injury. Failure to respond to these unsafe construction practices is not an option.

Smoke Detectors. Again we have heard throughout the country the half sentence comment from homebuilder associations that *The chances of surviving a reported home fire when working smoke alarms are present are 99.45% (100 minus 0.55)* and they forget the second half of the sentence that continues ***vs. 98.87% (100 minus 1.13) in home fires with no working smoke alarms***. Homebuilders argue that the number of fire deaths has significantly reduced in the past 30 years because of smoke detector installation. Statistics show that the ***44.8% reduction in the number of fires*** in homes during the past 30 years is a very significant contributing factor in the reduction of fire deaths. While we have had 44.851% reduction in the number of fires in homes during this 30-year period, if we compute the number of ***fire deaths per fire*** we only had an 11.392% reduction in fire deaths. In 1977 we had 723,500 fires in homes and the fire death rate computes to one fire death for each 123.36 fires. In 2007 we had 399,000 fires in homes and the fire death rate computes to one fire death for each 139.22 fires. **While the aggregate of the number of fire deaths reduced by half during the past 30 years, the reduction in the number of fires in homes also came near to this same rate of reduction (44.851%) – the number of fire deaths per fire has not significantly changed as the fire death rate per fire only changed to one death per 139.22 fires from 123.36. Stated another way, in 2007 we have, on average, only an additional 15.86 home fires without a fatality than we did in 1977.**

What smoke detectors have done is shift the fire death statistics from a large percentage of young males to the majority of fire deaths being the very young and the elderly – or those whose ability to quickly exit a home when the alarm sounds is diminished or not capable. Unfortunately, homes today have a greater fire load or products that have fast and large heat release. The fire load in new homes coupled with lightweight construction shortens the necessary exit time when the smoke alarm sounds.

- “The available time to escape a flaming fire in a home has decreased significantly from 17± 6 minutes in 1975 to 3 ± ½ minute in 2003.” FEMA, U.S. Department of Homeland Security
- In 2000-2004, an average of 1,020 people per year (34% of the home structure fire fatalities) died in homes with working smoke alarms. NFPA, Fire Analysis and Research Division 2008

Smoke alarms alone are not the answer!

Economic Impact - Sprinklers Chasing Away Homebuyers – The Sky is Falling. Our nation is in a deep recession. A *major* contributing factor for this recession is the housing bubble which burst when the subprime mortgage problem imploded. With fallout from the housing, credit and financial crisis – the worst in our nation since 1930 – ricocheting through the economy, job losses in all professions abound. The public is pretty angry as the financial crisis they face was driven by greed as home prices escalated at an unreasonable rate and some lending institutions abandoned previous rules allowing misguided borrowers to fall into a deep financial hole. Statistical information about housing economics has been grossly misrepresented by the builders. When home builders argue that the cost of fire sprinklers is chasing away potential buyers we must ask how many are they chasing away with their granite countertops? The subprime mortgage crash is the cause of the demise of new housing development, not the addition of a fire sprinkler system or a granite countertop. And recovery of the housing crisis will be the result of availability in housing financing. But there also needs to be consumer confidence that they will have a job and be able to make the mortgage payments. The bottom line here is when one with a stable job has been approved for a mortgage they are given an upper dollar limit for the purchase price. For example, my daughter qualified for a home up to \$325,000. She and her husband then searched for a home at or below this limit and found 95%+ of the homes on the market were existing homes. Their first selection priority was school zone. They found many existing homes with “dated” interior design and products – thus the interest for a newer, but not new, home prevailed. They went with a newer home with a kitchen island and nice kitchen products but with a smallish yard. Did the cost of each and every feature figure into the sale decision? No, the sale was based upon multiple “wants” some met, many not met but the deciding factor was the sales price. There is a difference in the sales price and the offered price – particularly in today’s buyers market. The offer made and accepted was below the asking price. The point here is the ***price elasticity of demand for homes is very inelastic.*** This means the cost of a component part is lost as the transaction is focused on a higher price – a price that is within the borrowing limits of the mortgage company.

A report from the non-stakeholder NFPA validates this inelastic demand and is consistent with other housing economic studies. This report shows that adding fire sprinklers has had no impact <http://www.nfpa.org/newsReleaseDetails.asp?categoryId=488&itemId=44250>. in the volume of home construction or in home sales. What this means is the homebuyer is looking at numerous floor plans, yard size, kitchen locations, school districts and picking the home that best meets their wants that is priced at or under their lending limit – a new or existing home. The housing market will not advance until lending increases and consumer confidence increases – a new home having granite countertops, exotic showers, high ceilings, or fire sprinklers does nothing other than attract the home buyer from the existing home market that has dated designs and products when compared to the new home. The homebuilder would rather spend the money used for the fire sprinkler system on more high demand items that are on the consumer want list. A simple homebuilder solution is instead of building the 3,000 sq ft home without sprinklers, build a 2,960 sq ft home with fire sprinklers and the cost saved by the lesser square footage will offset the cost of the fire sprinkler system. At \$150 per sq. ft. construction costs the reduction would save the homebuilder \$6,000 – more than enough to offset fire sprinkler costs. ***One thing for sure is new stand alone single-family homes are not affordable housing – the median price for a new home is 50.5% higher than the median price for existing homes in the Commonwealth as reported on September 14, 2009.***

In Summary, the truth about housing purchases is the homebuyer has an upper dollar mortgage limit that the bank will allow when purchasing a home. The homebuyer finds the home for sale within this mortgage limit that best meets their wants and needs and selects this home from the 95%+ of the existing homes and 5% or less of new homes that is in the typical market. Fire sprinklers and many other items may be installed in any priced home.

Government Cost Savings. While we acknowledge many elected officials wish to minimize governmental regulations, we strongly opine that government must be empowered to manage the interests of their community. ***A key role of government is to provide a safe environment for its residents and visitors.*** We must argue that government not only has the right to set building and fire code standards for their community, they have an obligation to do so; an obligation to ensure safety within their community, safety from substandard latent construction defects from unregulated builders and safety from the ravages of fire.

There is a strong correlation between model construction code requirements and the cost of providing emergency services. As a fire chief, I have the option of building fire stations, buying fire apparatus, and hiring fire fighters the volume or size of which is related to the level of the application of model building and fire codes. The balance between the codes and the level of fire suppression services MUST be determined by government, not the homebuilders' lobby. ***Builders should not be allowed to construct properties that are not in compliance with the national model construction codes, then take their money and leave a higher and forever increasing fire suppression cost burden for taxpayers and the community to absorb.*** While there will always be a need for fire service operations, building fire stations, buying fire apparatus, and hiring firefighters is not the option many communities can afford. As a result, many communities respond to the uncontrolled growth promoted by homebuilders demanding absolutely no government oversight with low-staffed firefighting crews creating greater risk for our nations bravest – we must protect and properly compensate our firefighters. Of significance is a reduction in infrastructure costs. If a 1,000 acre plot is developed new water distribution systems would be required. The national model codes allow for a reduction in the size of water distribution systems when structures within the development are fire sprinkler protected. So instead of burying 12 inch water mains a community might be able to downsize to an 8 inch main – the committee vote to remove fire sprinklers has impacted local government costs – the economic impact on the taxpayer imposed by this committee action must also be considered. ***Fire sprinklers in all new construction is a win-win.***

Homebuilder Liability. The homebuilder has an obligation to build a safe house. This obligation is long-standing, real and far reaching. For example, if I build a new home and there is a problem with the electrical wiring and someone is killed from an electrical shock, I may be sued. Government's failure to apply or inspect the national model electrical code has absolutely no impact on the litigation filed against the homebuilder for their failure to follow national codes and standards. Because there is a clearly articulate standard of care, (The International Residential Code and the Life Safety Code) the defense costs alone could be devastating for a builder who was alleged to be negligent because they omitted code required life safety devices. Can you imagine how a jury would respond after learning about the few dollars saved by a homebuilder when lives were lost as a result of the failure to install the best known method to limit a fire and fire death, a sprinkler system?

Notwithstanding what government does or does not do with respect to the adoption and enforcement of the national model codes, the homebuilder has an obligation to build a safe home and the standard of care is that what is published in the national model codes. Stated another way, if a local government decides that they no longer were requiring seat belts on new cars, this does not eliminate the car manufacturer from liability should an accident occur where the seat belt would have been a factor in a life saved or less injury.

The International Code Council's International Residential Code (IRC) and the National Fire Protection Association's Life Safety Code (LSC), the codes used to direct construction of homes and **both** are requiring fire sprinklers in new single-family homes. This therefore is the national standard of care or the level of safety the homebuilder is obligated to provide in the homes they build. Imagine trying to defend a weak position that the government did not make me do it. This is an unconsciously weak argument when lives are lost from fire in a new home, especially when the homebuilder is active in the association who lobbies against life saving fire sprinklers using data clearly known to be false and misleading. Further recognize the lightweight construction problems which can be mitigated with fire sprinkler systems and the liability exposure is even greater. Why should it take multiple fire deaths and lawsuits before the light of reason turns on in the minds of those who pay dues to the NAHB? An Association whose actions of knowingly misrepresenting facts is creating greater liability exposure for its members?

Fires in New Homes Verses Older Homes. Some argue that fires only occur in older homes; that the new homes are built fire safe. Again, this is false and there have been many misleading reports wrongly suggesting new homes do not burn. One mother who lost her daughter in a tragic fire in a recently built beach house testified before the International Code Council just before they voted to require fire sprinklers in all new homes – ***the painful point she made was she spent more money on flowers for her daughter's funeral than it would have cost to sprinkler the beach house.***

The substantive point is people cause fires and just because the home is new does not mean people will not be careless. New homes are constructed differently today than were older homes. A more open floor plan means less fire resistive barriers, floor and roof supports use fabricated material that has less resistance to fire, vinyl siding is used, all of which contribute to or do not impede fire spread. Many developers build homes as close together as codes will allow further complicating fire suppression as neighboring homes need more protection from fire exposure. It is not uncommon to see vinyl siding damaged on homes located next to the home that burned.

There are many statistical anomalies with this issue. First and foremost there are many older homes. When does a new home become an old home? If only 10% of the home sales market is new homes, this suggests that 90% of the homes for sale are older. This is consistent with other available demographic data but to be conservative, let's suggest that 80% of our nation's homes are older. Then, all things being equal, one would expect 80% of our home fires to be in older homes. So when one says there are more fires in older homes they are correct only to a point; but not to the point that newer homes are less vulnerable to fire.

SUMMARY. After more than a decade of fire safety concern with construction materials and practices used in new homes, coupled with an increasing fire safety concern for the citizens of this great nation and our brave and dedicated firefighters resulting from unsafe construction practices, the blocking vote of the homebuilder controlled IRC committee was overruled by a 2/3rd majority of code officials. Not accepting the enviable, some homebuilders are advocating against fire sprinklers and

ignoring the long standing fire safety concerns with their construction practices – a path towards greater liability exposure. The Pennsylvania Code oversight committee recognizes the safety to the public and recommends adopting the IRC with the fire sprinkler requirements remaining intact. ***This is a life safety issue of minimum protections and I recommend SB 1001 be withdrawn from further consideration by the Legislature.***

About the author: Buddy Dewar is the former Director of Florida's State Fire Marshal's Office and is an internationally known fire safety expert. His fire service career includes US Army arson investigations, fire suppression chief, and former Superintendent of the Florida State Fire College. Buddy received a BA degree in Economics and a MBA, and was inducted into Sigma Beta Delta, an international honor society in business, management, and administration in recognition of his academic achievements.

Buddy first entered the fire service in 1961 with the New River Fire Department in the Ft. Lauderdale area. He entered the U.S. Army in 1966, and served as a commissioned officer in Viet Nam where he was awarded the Bronze Star with "V" Device for Valor and First Oak Leaf Cluster. While stationed in Germany, Captain Dewar performed arson investigations throughout Europe. After leaving the U.S. Army in 1972, he became a member of the Plantation Fire Department where he served as a Battalion Chief. He began his tenure with the State Fire Marshal's office as a Florida State Fire College Instructor in 1976, later becoming Superintendent of the Florida State Fire College in 1979, and Director of the State Fire Marshal's Office in 1981 where he served until 1989.

Buddy Dewar is well known for his ability to quickly identify solutions to complex fire safety problems. He has drafted and lobbied for most of Florida's Fire Safety Laws and possesses an exceptional knowledge of fire codes. He was asked to testify before a Congressional Committee investigating the tragic loss of life in the DuPont Plaza Hotel fire in San Juan and drafted the document that was used as a basis for both the Puerto Rican and the Congressional Fire Safety Acts.

He has served on numerous committees and commissions including former Chair of the Firefighter Professional Qualifications Committee (NFPA 1001, 1002, and 1003); current member of the Technical Committee on Health Care Occupancies (NFPA 101 and 5000); former Chair of the Florida Fire Code Advisory Board; former Chair Florida Public Safety Education Committee; Past Chair 2003-2005, Florida Construction Coalition, a coalition of Florida's vast construction industry lobbyists; former Commissioner, State Emergency Response Commission; former member of the Florida Fire Safety Board; former member, Law Enforcement Coordinating Council, Middle District of Florida, US. Attorney General Appointment; former member of the Florida Emergency Medical Services Council; former Chairperson, Florida Affordable Fire Sprinkler Systems Committee; former member, State of Florida Uniform Building Code Committee, and served a two-year term as President of the Florida State Firefighters' Association.

Buddy has authored many papers and is a highly recruited and energetic program speaker. He has received numerous awards for his fire service and his programs have been featured in **People Magazine**. He has been awarded Life Membership in the Florida State Firefighters Association, the Florida Fire Marshals and Inspectors Association and the National Fire Protection Association. Buddy currently is serving as Director of the Regional Operations for the National Fire Sprinkler Association.