

Fire Chief Authority Under NFPA Standards Participant Manual



Fire Chief Authority Under NFPA Standards



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NFPA Standards – How Do You Perceive Them?



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What is a Standard?

- Standards are an attempt by an industry or a profession to self-regulate by establishing minimal operating, performance, or safety criteria.
- Consensus standards are developed by specific industries to describe widely accepted standards of care and operations for certain practices.
- They are written by consensus committees comprised of industry representatives and other affected parties.



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Who is the NFPA?

- In 1895, a small group representing sprinkler and fire insurance interests gathered in Boston, Massachusetts to discuss the different approaches to sprinkler design and installation.
- At that time, there were nine different standards for pipe sizing and sprinkler spacing just within 100 miles of the city of Boston.
- The group developed the first consensus standard for the uniform installation of sprinklers.



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Who is the NFPA?

- The formation of the National Fire Protection Association (NFPA) grew out of that original meeting.
- Today, the NFPA develops more than 300 safety standards that deal with issues related to fire, electrical, chemical, building, and life safety.
- Although developed in the U.S., NFPA standards are used widely throughout the world.
- NFPA is a nonprofit membership organization with more than 60,000 members from over 100 nations.



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Who is the NFPA?

- NFPA membership consists of members from:
 - Insurance
 - Business and industry
 - Trade and professional organizations
 - Federal, state, and local government
 - Health care facilities
 - Safety equipment manufacturer and distributors
 - Fire service
 - Architects and engineers
 - Other fields and disciplines



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Organization of the NFPA



The NFPA Board of Directors has general charge of all activities of the NFPA



The Board of Directors appoints a 13-person Standards Council to oversee the standards development process



The Standards Council appoints representatives to the Technical Committees that service as the consensus bodies for the development and revision of NFPA standards



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Organization of the NFPA



Standards are updated every 3 to 5 years



Approximately 260 Technical Committees are responsible for NFPA standards



There are more than 8,880 individuals serving on NFPA Technical Committees



Representatives to Technical Committees are chosen to represent a balanced variety of interests



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How New Standards Get Formed

- Anyone can submit a request for a project to develop a new standard
- A notice is published in NFPA News and on the NFPA website to solicit comments regarding:
 - The need for the proposed project
 - Information on organizations that may be involved or interested in the subject matter
 - Available resource material
 - An indication of who is willing to participate if the project is approved



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How New Standards Get Formed

- Once the solicitation period closes, the Standards Council reviews all information related to the proposed new project
- If the Standards Council determines the project should proceed, it may be referred to an existing Technical Committee, or a new Technical Committee may be formed



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Technical Committee Membership

- Technical Committees are consensus bodies representing a variety of interests
- To maintain a balance of interests, no more than one-third of the Committee can be of the same interest category



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National Volunteer Fire Council

Representation on NFPA Technical Committees

- NFPA appoints representatives to serve on committees of prime interest to the volunteer service
 - Firefighter Professional Qualifications (1001, 1002, 1002, and 1005)
 - Fire Officer Professional Qualifications (1021)
 - Fire Service Occupational Safety and Health (1500, 1521, 1561, 1581, 1582, and 1583)
 - Fire and Emergency Service Organization & Deployment – Volunteer (1720)
- And many more



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National Volunteer Fire Council and the NFPA process

- The NVFC, as the leading organization representing the volunteer fire and emergency services, recognizes the difficulty that many departments have in understanding and adopting these standards in their totality.
- Primary reasons include limited resources (financial and/or staffing)



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NVFC Position on NFPA Standards

- While the challenges may be immense, creating and maintaining a safe and consistent environment for our members is a critical step in assuring health and safety for each individual.
- Implementing a standard as a whole may be overwhelming or unattainable, it is important that we recognize that steps can be taken to apply critical elements of the standards now while formulating plans to integrate other elements at a future time.
- Small steps can have a big impact.
- The first step is understanding what the standard says.



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The Standards Development Process



NFPA Standards are revised and updated every 3 to 5 years



A standard's cycle typically takes 2 years to complete



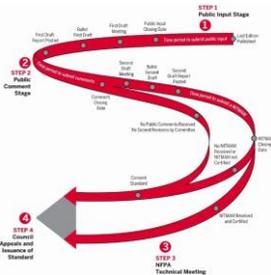
Each revision cycle proceeds according to published schedule

Public Input
Public Comment
NFPA Technical Meeting
Council Appeals and
Issuance of Standard



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The Standards Development Process



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How Can I Get Involved?

- Review the current standard
 - If you identify areas that should be changed, you may submit a proposal for change during the revision cycle
 - Be prepared to justify the reason for the change
- If you feel strongly on issues related to any standard, you may submit an application for appointment to a Technical Committee
 - You don't have to be an NFPA member to serve on a Technical Committee



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How Do We Know What a Standard Says & Means?



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The Fire Chief is All Powerful Under NFPA Standards

ALMOST



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The AHJ – Authority Having Jurisdiction

- 1.3.1 The authority having jurisdiction determines if this standard is applicable to its fire department. (NFPA 1720)
- 3.2.2* **Authority Having Jurisdiction (AHJ)**. An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.



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What/Who Defines Your Authority?

- What defines your "Authority Having Jurisdiction"?
- What defines the legal basis for your fire department?
- What control does your government have over fire department activities?
- Does your government (local or state) mandate standards?



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More AHJ Detail – Context is King

A.3.2.2 Authority Having Jurisdiction (AHJ). The phrase "authority having jurisdiction," or its acronym AHJ, is used in NFPA documents in a broad manner, since jurisdictions and approval agencies vary, as do their responsibilities. Where public safety is primary, the authority having jurisdiction may be a federal, state, local, or other regional department or individual **such as a fire chief**; fire marshal; chief of a fire prevention bureau, labor department, or health department; building official; electrical inspector; or others having statutory authority. For insurance purposes, an insurance inspection department, rating bureau, or other insurance company representative may be the authority having jurisdiction. In many circumstances, the property owner or his or her designated agent assumes the role of the authority having jurisdiction; at government installations, the commanding officer or departmental official may be the authority having jurisdiction.



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Power

- Power to Adopt a Standard
- IN FULL
- IN PART ----- YES, IN PART



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Adopting With Amendments

- The state & federal government do this all the time, why can't you?
- You can and should.



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Example: NFPA 1: Fire Code

- Most states adopt NFPA 1 as the state fire code.
- Maryland has adopted NFPA 1 Fire Code and NFPA 101 Life Safety Code as part of the state Fire Prevention Code.
- As the AHJ, the Maryland Fire Prevention Code incorporates many amendments to both NFPA 1 and NFPA 101



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Local Amendments

- NFPA 1911:
 - **Section 7.1 General:** A visual and operational check of the apparatus shall be performed within 24 hours of a run or at least weekly.
 - Weekly Apparatus Checks: What's a week – you decide. If you have 8 units, you might decide that week is 8 days and you inspect on an 8 day rotating schedule – or a week is 4 days and you inspect two units a day on a 4 day rotating schedule.
 - **Section 19.1 General:** The chassis components shall be tested annually as required by this chapter.
 - Amend to: Weigh Your Trucks Only After Changes, Not Annually.



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The Equivalency Clause

- 1.4 Nothing in this standard is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by the standard.
- 1.4.2 The system, method, or device shall be approved for the intended purpose by the **authority having jurisdiction**.

It's OK to amend the standard if you have a logical reason, meet the spirit of the standard, and put it in writing – then it becomes **your** standard based on the NFPA standard.



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Be Honest – Use Your Power For Good

- The Fire Chief possesses unique and specialized knowledge and power. Use this knowledge and power for the common good.
- Don't try to abuse your power and amend Standards into oblivion or for selfish reasons.
- Avoid oppositional defiance.



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Only Amend What You Need To

Amendments based upon:

- Facts
- Public Policy
- Community Risk
- Local Conditions: Topography, Weather, Population, Building Types, Fire Risk, Resources – including \$\$\$\$



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Fear of Lawsuits

- The Standard as a Risk Management Tool
- Causation
- Risk Assessment



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Laws & Regulations Trump Standards

- You must follow the law – it is our obligation
- Laws out-rank standards
- Laws are legally binding & standards are voluntary



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Use Standards

Think of Standards as providing you a template or a metric for measuring and managing performance, community risk and operational risk.



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It's Not That Hard – It's Mostly About Your Attitude – You Must Want to Do It

Six Steps

1. Read the Standard – acknowledge the Standard
2. What can you meet – what can't you meet & why?
3. Modify the Standard
4. Put it in writing
5. Don't keep it a secret
6. Follow your modified standard



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Examples of How to Adopt A Standard

- Refer to handout
- Put it in writing

- I CHALLENGE YOU TO ADOPT NFPA 1720
 - It's only about 4 pages long!
 - You are already doing half of it and don't realize it.



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Questions?



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