

**Submitter :** Mr. Michael Fusco  
**Organization :** International Code Council  
**Category :** Other Association

**Date:** 12/19/2006

**Issue Areas/Comments**

**Current Fire Safety Status**

**Current Fire Safety Status**

Many studies have supported the use and effectiveness of smoke detectors. No such evidence exists, to my knowledge, supporting the use of sprinklers. In an industry fraught with problems associated with care and proper handling of patents and patient rights, I would hope more public funds would be expended on the monitoring and implementation of basic standards of care, and less time spent on ancillary projects which increase the cost of maintenance and operation of these facilities.

**Submitter :** Ric Buchanan  
**Organization :** Ric Buchanan  
**Category :** Local Government

**Date:** 12/19/2006

**Issue Areas/Comments**

**Background**

Background

As a professional in the field of public safety through building and fire prevention codes, I support an objective to require America's remaining nursing homes to be fully protected with fire sprinklers systems.

**Submitter :** David Stevens

**Date:** 12/19/2006

**Organization :** David Stevens

**Category :** Individual

**Issue Areas/Comments**

**Background**

**Background**

Having eldly Grandparents, I think it is imperative that they be protected with fire sprinkler systems as, in the event of an emergency they would not be able to get out on their own.

Please pass this law to help protect my family members.

**Submitter :** Mr. Robert Gould  
**Organization :** City of Mesa Building Safety Division  
**Category :** Local Government

**Date:** 12/19/2006

**Issue Areas/Comments**

**Background**

Background

As a building code plan reviewer, I support an objective to require all of America's nursing homes to be fully protected with fire sprinkler systems.

**Maintenance**

Maintenance

HHS should recognize that the edition of NFPA 13 cited in this rulemaking is older than that cited by jurisdictions using the latest editions of the International Building Code and International Fire Code, thus creating additional conflict in jurisdictions utilizing this country's predominantly applied comprehensive building code.

**Submitter :** Mr. Joseph Heimsch  
**Organization :** City of Watertown  
**Category :** Local Government

**Date:** 12/19/2006

**Issue Areas/Comments**

**Phase-in**

Phase-in

I would not support the phase-in proposal with out seeing the definition.

**Submitter :** Mr. Robert Hellon PE  
**Organization :** City of Winfield, Kansas  
**Category :** Local Government

**Date:** 12/19/2006

**Issue Areas/Comments**

**Background**

Background

My background is a Licenced Professional Engineer.

**GENERAL**

GENERAL

I am all in favor of the proposal. The sooner the better.

Submitter : Mr. Paul Tellez

Date: 12/19/2006

Organization : Mr. Paul Tellez

Category : Individual

Issue Areas/Comments

GAO Report

GAO Report

CMS 3191-P regarding the fire safety regulation for Long Term Care Facilities and automatic fire sprinkler system installations should require existing and all newly constructed convalescent facilities(Group I-1/2006 IBC) and nursing home buildings(Group I-2/2006 IBC) to require installation of a supervised automatic fire sprinkler system per NFPA 13.

**Submitter :** Mr. Ron Drey CBO

**Date:** 12/19/2006

**Organization :** C-West Code Consultants Inc.

**Category :** Individual

**Issue Areas/Comments**

**Sunset Provision**

Sunset Provision

There should be no debate on this issue. Protecting in place for the old, frail & typically requiring lots of help ELDERLY is a no brainer.



**Submitter :** Mr. Daniel Patterson  
**Organization :** Medford Fire/Rescue  
**Category :** Local Government

**Date:** 12/19/2006

**Issue Areas/Comments**

**Background**

Background

As a professional in the field of public safety through building and fire prevention codes, I support an objective to require America's remaining nursing homes to be fully protected with fire sprinkler systems. In this jurisdiction we have lost 6 elderly in fire that would have been confined had the facility been equipped with a fire sprinkler system

**Current Fire Safety Status**

Current Fire Safety Status

This rulemaking should correctly recognize the contribution of model codes other than the Life Safety Code on the establishment of fire sprinkler requirements in new facility construction and renovation of existing facilities.

**GAO Report**

GAO Report

I support a phased-in approach to ensuring that all pre-existing long-term care facilities are fully protected with fire sprinkler systems as would be required in new construction under America's predominant building safety and fire protection codes.

**GENERAL**

GENERAL

Fire Sprinklers are necessary if we are going to protect our citizenry who are unable to care of themselves. They have an expectation of being protected from the ravages of fire. In many cases these facilities are greatly understaffed in the case of a fire occurring. There aren't enough resources even when engine companies arrive to perform an effective evacuation. The fire needs to be kept in the incipient stage and can only be accomplished by a fire suppression system.

**Installation**

Installation

I do not believe a Sunset provision should be included. An adequate phase in schedule should be implemented

**Maintenance**

Maintenance

There are different code provisions that could be implemented. This should be carefully orchestrated between the building code and the installation of fire sprinklers to take every advantage of the trade-off's available during the construction process.

**Phase-in**

Phase-in

If we choose to do nothing many more will needlessly die each year. Phase in should be on a case by case basis up to the local jurisdiction.

**Regulatory Impact Statement**

Regulatory Impact Statement

Maintenance is currently regulated by Code.

**Submitter :** Mr. CHAD LAWRY  
**Organization :** VANCOUVER FIRE DEPARTMENT  
**Category :** Local Government

**Date:** 12/19/2006

**Issue Areas/Comments**

**GAO Report**

**GAO Report**

The City of Vancouver Washington Fire Department's Fire Marshal's Office fully supports a reasonable phased-in approach to retroactively require NFPA fire sprinkler protection in existing long-term care facilities. Fire sprinkler protection would likely mitigate the need for total evacuation. In fact, NFPA 101 allows less stringent construction and evacuation capabilities where fire sprinklers are installed.

Vancouver Fire Department is staff and funding challenged and recognizes that a fire event in one of these unsprinklered buildings could result in unacceptable risks to residents.

**GENERAL**

**GENERAL**

Fire sprinklers are proven to control or extinguish fires, generally with only one or two heads activated.

Please keep in mind that what is shown on television is not accurate, all heads do not spray water when a fire occurs - just the ones above the fire.

Thank you,

Chad Lawry - Deputy Fire Marshal  
Vancouver Fire Department  
900 W. Evergreen Blvd  
Vancouver, WA 98660  
(360)759-4418  
chad.lawry@ci.vancouver.wa.us

**Phase-in**

**Phase-in**

The Vancouver Fire Marshal's Office supports a phased-in approach to allow reasonable time for education, budgetary preparation and installation for compliance.

**Regulatory Impact Statement**

**Regulatory Impact Statement**

NFPA 25 is adopted in Washington State and would provide maintenance standards for these systems.

**Sunset Provision**

**Sunset Provision**

There would be no significant regulatory impact to this jurisdiction.

**Submitter :** Mr. Walter Miller

**Date:** 12/19/2006

**Organization :** Mr. Walter Miller

**Category :** Individual

**Issue Areas/Comments**

**Background**

Background

Retired firefighter and fire code official

**GENERAL**

**GENERAL**

Nursing homes are understaffed and cannot possibly respond in time to handle a fire that in as little as two minutes may turn into a "flashover" scenario. Fire sprinklers and their proper installation and maintenance are the answer to this life and death decision.

**Submitter :** Mr. Carl Schroeder  
**Organization :** Plumbing Industry Training Center  
**Category :** Academic

**Date:** 12/19/2006

**Issue Areas/Comments**

**Maintenance**

**Maintenance**

HHS should recognize that the editions of NFPA 13 and NFPA 25 cited in this rulemaking are older than those cited by jurisdictions using the latest editions of the International Building Code and International Fire Code, thus creating additional conflict in jurisdictions utilizing this countrys predominantly applied comprehensive building code.

Having been involved in the code development process both at the state and national levels for more than 20 years I can assure you that this is of great concern to those of us within the industry responsible for training and system installation. In the education of our craftsman who install these systems we train our people to the latest standards. This assures that quality installations occur, taking advantage of the latest technology, materials and methods that are available.

It is disturbing and difficult to be trained to the latest standards then proceed to install systems to older standards knowing that the installation could better have protect the public were it done to the latest available standard(s). We have experienced this first hand here in Michigan with Medical Gas systems, training to a newer standard yet installing to an older standard. It was impossible to train to the older standard simply due to the fact the documents were not even available for classroom use and reference. At a minimum insure that the latest editions of the referenced standards are used.

Submitter : Mr. Jim Shea

Date: 12/19/2006

Organization : Loma Linda Fire Prevention Bureau

Category : Local Government

Issue Areas/Comments

**GENERAL**

**GENERAL**

From a Fire Prevention point of view I beleive all nursing homes should be sprinklered.

**Submitter :** Mr. Chee Tung

**Date:** 12/19/2006

**Organization :** Mr. Chee Tung

**Category :** Individual

**Issue Areas/Comments**

**Background**

Background

This proposed requirement may sounds like full of good intention, but has anyone ever consider who is going to pay for this? Installing new fire sprinkler and alarm system in an existing facility is a very costly proposition. This will have a negative and devastating effect on operators and occupants of existing retirement facilities. Some poor senior citizens may even lost their home because of it. I am totally against imposing such a regulation on an EXISTING retirement facility UNLESS the federal government is prepare to step up and paid for such a costly renovation. It makes good sense to impose such safety feature on a new facity but not on an existing one.

**Submitter :** Mr. Lambert Little  
**Organization :** City of Hico, Texas  
**Category :** Local Government

**Date:** 12/19/2006

**Issue Areas/Comments**

**Background**

**Background**

As a professional in the field of public safety through building and fire prevention codes, I support an objective to require America's remaining nursing homes to be fully protected with fire sprinkler systems.

In putting this proposal forward, HHS should recognize and discuss the critical role of State and local application of comprehensive building codes in the history of establishment of fire sprinkler requirements in long term care facilities. The rulemaking also does not describe or discuss any efforts the agency has made or contemplated to work cooperatively with State and local building and fire enforcement authorities in achieving this objective.

In portraying the history of the integration of fire sprinkler standards in nationally recognized building codes, HHS should recognize that State and locally applied building codes began requiring installation of sprinklers in new construction decades before HHS included a similar requirement in federal regulation.

HHS should recognize the extensive degree to which the International Building Code is now adopted as a model building code by local, State and Federal jurisdictions across the entire country.

Nearly 40 years ago Congress granted HHS the authority to recognize a state enforced building code in lieu of creating regulatory overlay in applying the Life Safety Code. HHS should discuss why the agency has not yet acted on this authority to eliminate unnecessary regulation that duplicates and complicates provisions of State and local building safety and fire prevention code.

**Current Fire Safety Status**

**Current Fire Safety Status**

This rulemaking should correctly recognize the contribution of model codes other than the Life Safety Code on the establishment of fire sprinkler requirements in new facility construction and renovation of existing facilities.

**GAO Report**

**GAO Report**

I support a phased-in approach to ensuring that all pre-existing long-term care facilities are fully protected with fire sprinkler systems as would be required in new construction under America's predominant building safety and fire protection codes.

With respect to the effects of Federalism through this national regulation, HHS should more fully review and discuss its regulatory obligations under Executive Order 13132. This requirement addresses prior consultation with sub-federal authorities before taking actions that have considerable impact on State and local governmental authority.

**Maintenance**

**Maintenance**

HHS should recognize that the edition of NFPA 13 cited in this rulemaking is older than that cited by jurisdictions using the latest editions of the International Building Code and International Fire Code, thus creating additional conflict in jurisdictions utilizing this country's predominantly applied comprehensive building code.

**Regulatory Impact Statement**

**Regulatory Impact Statement**

HHS should recognize that the edition of NFPA 25 cited in this rulemaking is older than that cited by jurisdictions using the latest editions of the International Building Code and International Fire Code, thus creating additional conflict in jurisdictions utilizing this country's predominantly applied comprehensive building code.

**Regulatory Impact Statement**

I request that HHS present a full analysis of Federalism as required by Presidential Executive Order 13132.

In assessing the cost of imposing this regulation as a Federal rule, HHS should not presume the nature of future state and local code adoptions of the 2006 edition of the Life Safety Code in reducing the calculation of the costs attributable to this requirement as a Federal rule.

Submitter : Mr. Michael Watkins

Date: 12/19/2006

Organization : Ballard & Watkins

Category : Individual

Issue Areas/Comments

GENERAL

GENERAL

Fire sprinkler are the best safety protection to provide safety for buildings where non-amulatory and semi-ambulatory patients are housed. This bill will save lives.



**Submitter :**

**Date: 12/19/2006**

**Organization :**

**Category : Local Government**

**Issue Areas/Comments**

**Background**

Background

I believe this is something that should be instituted for the life, health, and safety of our older generation. It may save lives and isnt that what code requirements are about?

**Submitter :** David Mathews  
**Organization :** College of the Desert  
**Category :** Academic

**Date:** 12/19/2006

**Issue Areas/Comments**

**Background**

**Background**

As a Firefighter and Fire Inspector, I experienced firsthand the tragic loss of life that occurs in unsprinklered residential occupancies. As a Fire and Building Code instructor at the community college level, I impart upon my students the value of automatic fire sprinklers in saving lives and reducing damage from fire. If your mother was in one of these facilities, wouldn't you want it protected by fire sprinklers? I certainly would.

**Current Fire Safety Status**

**Current Fire Safety Status**

Residential care facilities strive to provide a supportive and safe environment for the elderly, the cognitively frail, and the non-ambulatory individual. Yet, many facilities are not equipped with automatic fire sprinklers. According to the National Fire Protection Association, residential fires account for more than 78% of all deaths from fires. The combined protection of smoke detectors and fire sprinklers could reduce this fire death rate by nearly 82%.

Most facilities do not have sufficient staff to rapidly evacuate all non-ambulatory residents. The philosophy of 'protect in place' only works if some protection is provided for the residents in their rooms. Fire sprinklers provide this protection by rapidly placing water on a fire while in its incipient stages, and sounding an alarm for building occupants and the fire department.

**GENERAL**

**GENERAL**

You will receive many comments questioning the wisdom and necessity of this regulation. The bottom line is this: No one to date has managed to require all care facilities to be equipped with fire sprinklers. If you succeed in doing so, you will undoubtedly save many lives, and will contribute to keeping more facilities in business after a fire. Fire damage will be minimal in sprinklered buildings.

Thank you for your efforts in securing the fire safety of our the elderly in our nation.

**Maintenance**

**Maintenance**

While there are costs associated with installing a fire sprinkler system, we still need to remember that these care facilities are providing care for loved ones that they, or their families, can no longer provide. The cost is about \$18 per square yard, which approximates the cost of new carpeting. There is, however, no price assigned to the loss of human life. This regulation will provide a greater level of safety for our loved ones, and all others who reside in these residential home care facilities. The residents of these facilities took care of us when we needed it; and this regulation is our chance to take care of them.

**Submitter :** Mr. Dan Zlupko  
**Organization :** Retired Construction Code Specialist  
**Category :** Individual

**Date:** 12/19/2006

**Issue Areas/Comments**

**GENERAL**

GENERAL

Nursing Homes some constructed over 40 years ago and constructed of combustible material represent a true hazard to the elderly. And should be protected with a fire suppression system.

Some of those in assisted living as well as nursing care facilities still chose to smoke. Smoking elderly represent a very real risk.

Submitter : barrett scott  
Organization : ICC  
Category : Long-term Care

Date: 12/20/2006

Issue Areas/Comments

GENERAL

GENERAL

Sprinklers should be added to existing facilities. How do you explain to a patient's children their parent(s) died in a fire in a facility devoted to their long term care when in any other facility fire suppression is of primary importance. I just visited a nursing facility to see my mother. Although all the patients are ambulatory, they require walkers or canes. I can't imagine the staff being able to cope w/evacuation and fire suppression.

**Submitter :** Mr. Terrence Cotter

**Date:** 12/20/2006

**Organization :** Jacksonville Building Department, Plans Examiner

**Category :** Local Government

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

This totally amazes me. The Florida Building Code 1976 Edition REQUIRED fire sprinklers in all nursing homes with 10 or more occupants. This new IBC and Florida Building Code 2004 edition is the weakest building code in 30 years. That's why we commonly refer to it as "The Florida Builder's Code" because it was written by the builders for the builders. Life safety took a big hit in the last few building codes. And that's why the insurance rates are so high and will be much higher in the future.

**Submitter :** Mr. Barry Pines, CIPE/CPD  
**Organization :** Code Study & Development Group of S.E. Michigan  
**Category :** Other Association

**Date:** 12/20/2006

**Issue Areas/Comments**

**GENERAL**

GENERAL

I urge you to review what has already been accomplished by the Model Codes and State and Local Municipalities.

**Submitter :** Mr. Ted Paulin

**Date:** 12/20/2006

**Organization :** Sprinkler Fitters Local 692

**Category :** Long-term Care

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

I strongly support the proposal and that the affected facilities should be given no more than 5 years to comply with the new requirements. The elderly in this country should get better treatment and this rule will help ensure that they get the basic protection they deserve by requiring long-term care facilities have proper fire sprinkler systems in case of a fire hazard. Thank you for your attention in this matter.

**Submitter :** Mr. Mike Bruce

**Date:** 12/20/2006

**Organization :** Sprinkler Fitter Local 692

**Category :** Long-term Care

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

I strongly support the proposal and that the affected facilities should be given no more than 5 years to comply with the new requirements. The elderly in this country should get better treatment and this rule with help ensure that they get the basic protection they deserve by requiring long-term care facilities have proper fire sprinkler systems in case of a fire hazard. Thank you for your attention in this matter.



**Submitter :** Mr. John Healy  
**Organization :** Sprinkler Fitter Local 692  
**Category :** Long-term Care

**Date:** 12/20/2006

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

I strongly support the proposal and that the affected facilities should be given no more than 5 years to comply with the new requirements. The elderly in this country should get better treatment and this rule with help ensure that they get the basic protection they deserve by requiring long-term care facilities have proper fire sprinkler systems in case of a fire hazard. Thank you for your attention in this matter.

**Submitter :** Mr. Anthony McKnight  
**Organization :** Sprinkler Fitter Local 692  
**Category :** Long-term Care

**Date:** 12/20/2006

**Issue Areas/Comments**

**GENERAL**

GENERAL

I strongly support the proposal and that the affected facilities should be given no more than 5 years to comply with the new requirements. The elderly in this country should get better treatment and this rule with help ensure that they get the basic protection they deserve by requiring long-term care facilities have proper fire sprinkler systems in case of a fire hazard. Thank you for your attention in this matter.

**Submitter :** Mr. Keith Williamson  
**Organization :** Sprinkler Fitter Local 692  
**Category :** Long-term Care

**Date:** 12/20/2006

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

I strongly support the proposal and that the affected facilities should be given no more than 5 years to comply with the new requirements. The elderly in this country should get better treatment and this rule will help ensure that they get the basic protection they deserve by requiring long-term care facilities have proper fire sprinkler systems in case of a fire hazard. Thank you for your attention in this matter.

**Submitter :** Mr. Ed Morrone

**Date:** 12/20/2006

**Organization :** Sprinkler Fitter Local 692

**Category :** Long-term Care

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

I strongly support the proposal and that the affected facilities should be given no more than 5 years to comply with the new requirements. The elderly in this country should get better treatment and this rule with help ensure that they get the basic protection they deserve by requiring long-term care facilities have proper fire sprinkler systems in case of a fire hazard. Thank you for your attention in this matter.

**Submitter :** Mr. Dan Barrett

**Date:** 12/20/2006

**Organization :** Sprinkler Fitter Local 692

**Category :** Long-term Care

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

I strongly support the proposal and that the affected facilities should be given no more than 5 years to comply with the new requirements. The elderly in this country should get better treatment and this rule with help ensure that they get the basic protection they deserve by requiring long-term care facilities have proper fire sprinkler systems in case of a fire hazard. Thank you for your attention in this matter.

**Submitter :** Mr. Robert Mitchell

**Date:** 12/20/2006

**Organization :** Millcreek Township Bureau of Fire Prevention

**Category :** Local Government

**Issue Areas/Comments**

**GENERAL**

GENERAL

This must be done to protect this population

Submitter : Mr. Frank D'Amore

Date: 12/20/2006

Organization : Mr. Frank D'Amore

Category : Local Government

**Issue Areas/Comments**

**Background**

Background

As a professional in the field of public safety through building and fire prevention codes, I support an objective to require America's remaining nursing homes to be fully protected with fire sprinkler systems.

In putting this proposal forward, HHS should recognize and discuss the critical role of State and local application of comprehensive building codes in the history of establishment of fire sprinkler requirements in long term care facilities. The rulemaking also does not describe or discuss any efforts the agency has made or contemplated to work cooperatively with State and local building and fire enforcement authorities in achieving this objective.

In portraying the history of the integration of fire sprinkler standards in nationally recognized building codes, HHS should recognize that State and locally applied building codes began requiring installation of sprinklers in new construction decades before HHS included a similar requirement in federal regulation.

HHS should recognize the extensive degree to which the International Building Code is now adopted as a model building code by local, State and Federal jurisdictions across the entire country.

Nearly 40 years ago Congress granted HHS the authority to recognize a state enforced building code in lieu of creating regulatory overlay in applying the Life Safety Code. HHS should discuss why the agency has not yet acted on this authority to eliminate unnecessary regulation that duplicates and complicates provisions of State and local building safety and fire prevention code.

**Current Fire Safety Status**

Current Fire Safety Status

This rulemaking should correctly recognize the contribution of model codes other than the Life Safety Code on the establishment of fire sprinkler requirements in new facility construction and renovation of existing facilities.

**GAO Report**

GAO Report

I support a phased-in approach to ensuring that all pre-existing long-term care facilities are fully protected with fire sprinkler systems as would be required in new construction under America's predominant building safety and fire protection codes.

With respect to the effects of Federalism through this national regulation, HHS should more fully review and discuss its regulatory obligations under Executive Order 13132. This requirement addresses prior consultation with sub-federal authorities before taking actions that have considerable impact on State and local governmental authority.

**Maintenance**

Maintenance

HHS should recognize that the edition of NFPA 13 cited in this rulemaking is older than that cited by jurisdictions using the latest editions of the International Building Code and International Fire Code, thus creating additional conflict in jurisdictions utilizing this country's predominantly applied comprehensive building code.

**Regulatory Impact Statement**

Regulatory Impact Statement

HHS should recognize that the edition of NFPA 25 cited in this rulemaking is older than that cited by jurisdictions using the latest editions of the International Building Code and International Fire Code, thus creating additional conflict in jurisdictions utilizing this country's predominantly applied comprehensive building code.

**Sunset Provision**

Sunset Provision

**CMS-3191-P-80**

I request that HHS present a full analysis of Federalism as required by Presidential Executive Order 13132.

In assessing the cost of imposing this regulation as a Federal rule, HHS should not presume the nature of future state and local code adoptions of the 2006 edition of the Life Safety Code in reducing the calculation of the costs attributable to this requirement as a Federal rule.



**Submitter :** Mr. Stan V. Griep  
**Organization :** Larimer County Building Department  
**Category :** Local Government

**Date:** 12/20/2006

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

I fully support the requirement that all long term health care facilities be fully sprinkled. This protection is of the highest importance for the folks in these facilities. New facilities are pretty much covered by the building codes in getting this protection, however, the existing facilities need to be upgraded with this protection ASAP.

**Submitter :** Mr. Thomas Ebsen  
**Organization :** Oak Park Fire Department  
**Category :** Local Government

**Date:** 12/20/2006

**Issue Areas/Comments**

**Current Fire Safety Status**

**Current Fire Safety Status**

I am currently the Deputy Chief of our fire department, but for the previous 11 years I was the Fire Marshall for our community of 55,000 with three nursing homes.

I consider the nursing home population the highest risk group in our community for two reasons 1) their age and lack of mobility, and 2) the limited level of emergency preparedness provided by nursing home workers.

Both of the above conditions are realistically not likely to improve or change, so the best option to protect these nursing home residents is to provide them with built-in fire sprinkler protection.

We hear of initiatives to retro-fit schools with sprinklers, which is fine, but schools evacuate better than any occupancy, while nursing homes are the worst to evacuate due to non-ambulatory residents and thin and poorly trained staffs.

**Submitter :** Mr. Ed Steiner  
**Organization :** City of Edmond, Oklahoma  
**Category :** Local Government

**Date:** 12/20/2006

**Issue Areas/Comments**

**Background**

**Background**

Generally the federal government is not good at keeping up to date with industry standards and developments in the fire safety area. Using the Life Safety code as a building code is also not appropriate but is typical in this and other areas of federal government regulation.

**GAO Report**

**GAO Report**

Nursing Homes should be built to a minimum Building Code Standard or the standard of the local AHJ which ever is appropriate by location. NFPA standards should be used as the minimum standard for installation and maintenance. In this way the federal government will mirror most of the local governments in the country.

**Submitter :** Mr. Stanley Grass  
**Organization :** Department of Public Health  
**Category :** State Government

**Date:** 12/20/2006

**Issue Areas/Comments**

GENERAL

GENERAL

See attached

CMS-3191-P-84-Attach-1.DOC

I am writing in reference to the proposed rule "CMS-3191-P" requiring all Long Term Care Facilities (facilities) to be equipped with automatic sprinkler systems, that was published in the "Federal Register/Vol. 71, No. 208/ Friday, Oct. 27, 2006/Proposed Rules". I am in support of this proposed rule and offer the following comments:

**"CMS Action"**

I believe CMS should adopt the 2006 Life Safety Code (LSC). Although you project that the adoption of the 2006 LSC would take at least 18 months if not longer, it's adoption should in no way delay the rulemaking process requiring sprinklers in LTCF. In a rulemaking process for adopting the 2006 LSC you could include a condition that facilities would not be required to immediately comply with the sprinkler requirement, but would have until the date established by this (CMS-3191-P) proposed rulemaking process. Codes become obsolete shortly after they are published. Many of the codes referenced by the 2000 LSC were published in 1998 and 1999. By staying with the 2000 LSC you are requiring facilities to comply with codes that are 8 to 9 years old. Based on a time frame of 2 years to adopt the 2006 LSC, in 2008 you will either have codes that are "state of the art" if the 2006 LSC is adopted or codes that will be 10 to 11 years old and getting older if it is not. Most of the codes have a "Retroactivity Clause" that state: "Unless otherwise noted, it is not intended that the provisions of this document be applied to facilities, equipment, structures, or installations that were existing or approved for construction or installation prior to the effective date of this document. Exception: In those cases where it is determined by the authority having jurisdiction that the existing situation involves a distinct hazard to life or property, this standard shall apply." Therefore there should not be a concern that facilities will be required to update previously installed life safety features that met the code at the time they were installed to the newer codes. Newer codes don't always get stricter, as is the case with the LSC which in 1967 required fire alarm systems to be tested weekly (no longer required) and required corridor walls in fully sprinklered buildings to have a 1-hour fire resistive rating (no longer required).

**"Phase-in"**

The phase-in period should be 3 years. No matter if the time frame is 5, 7 or 10 years there will be those facilities that are not going to install sprinklers and will close when the time comes. There are also those facilities that aren't especially concerned about the safety of their residents that are going to wait until the last minute to begin the installation process. For example: if a facility determines that the sprinkler installation was going to take 1 year, they are going to wait 4, 6 or 9 years (respective to 5, 7 or 10 year phase-in periods) before beginning to install them. For facilities genuinely working on compliance but run into difficulties such as financing or the availability of parts or contractors, CMS could allow some type of limited time waiver on a case by case basis.

Stanley Grass  
Life Safety Code Program Supervisor  
Division of Health Care Quality  
Department of Public Health  
Boston, MA

**Submitter :** Mr. Gustav Lian  
**Organization :** Gresham Fire and Emergency Services  
**Category :** Local Government

**Date:** 12/20/2006

**Issue Areas/Comments**

**Background**

**Background**

As a professional in the field of public safety, I support requiring retrofitting of sprinklers in nursing homes. Sprinklers have a history of successfully saving not only property but lives. They are especially critical for patients that cannot provide for their own safety and a life in an existing home is just as important as one in a new facility.

**CMS Action**

**CMS Action**

Duplication of services is a waste of the public trust. State and local officials are fully capable of administering the safety aspects of the International Fire Code and supplemental National Fire Protection Association Standards. Any other additional requirements only confuse and water down the established efforts of state and local jurisdictions in this effort.

**Current Fire Safety Status**

**Current Fire Safety Status**

The life safety code is not the only pill in the medicine cabinet and in itself is confusing and conflicting. Model codes now available set the standard. In many states including Oregon, NFPA 101 is not adopted in its entirety due to this fact.

**GAO Report**

**GAO Report**

I do not support federalizing this requirement until or unless at some future point in time it is recognized that state and local controls are not responding and then the rule should apply only to those that do not respond.

**Installation**

**Installation**

The continued duplication and complications of state and local safety codes must come to an end and the Congressionally mandated recognition of state and local control be accepted and utilized.

**Maintenance**

**Maintenance**

The latest editions of NFPA 13 should be utilized in the application as adopted by state or local jurisdictions.

**Phase-in**

**Phase-in**

I support a phased in approach with specific scheduling guidelines to ensure that all nursing homes, and not just new ones, are protected by fire sprinklers.

**Regulatory Impact Statement**

**Regulatory Impact Statement**

Again, the most current NFPA editions as adopted by the state and local jurisdictions should be utilized.

**Sunset Provision**

**Sunset Provision**

I ask that a full analysis of Federalism is conducted according to Presidential Order 13132 and that no assumptions of the adoption of NFPA 101 be made.

**Submitter :** Dan Cochran, Deputy Chief  
**Organization :** Coeur d'Alene Fire Department  
**Category :** Local Government

**Date:** 12/20/2006

**Issue Areas/Comments**

**Background**

Background

As a professional in the field of public safety through building and fire prevention codes, I support an objective to require America's remaining nursing homes to be fully protected with fire sprinkler systems.

In putting this proposal forward, HHS should recognize and discuss the critical role of State and local application of comprehensive building codes in the history of establishment of fire sprinkler requirements in long term care facilities. The rulemaking also does not describe or discuss any efforts the agency has made or contemplated to work cooperatively with State and local building and fire enforcement authorities in achieving this objective.

In portraying the history of the integration of fire sprinkler standards in nationally recognized building codes, HHS should recognize that State and locally applied building codes began requiring installation of sprinklers in new construction decades before HHS included a similar requirement in federal regulation.

HHS should recognize the extensive degree to which the International Building Code is now adopted as a model building code by local, State and Federal jurisdictions across the entire country.

Nearly 40 years ago Congress granted HHS the authority to recognize a state enforced building code in lieu of creating regulatory overlay in applying the Life Safety Code. HHS should discuss why the agency has not yet acted on this authority to eliminate unnecessary regulation that duplicates and complicates provisions of State and local building safety and fire prevention code.

**Current Fire Safety Status**

Current Fire Safety Status

This rulemaking should correctly recognize the contribution of model codes other than the Life Safety Code on the establishment of fire sprinkler requirements in new facility construction and renovation of existing facilities.

**GAO Report**

GAO Report

I support a phased-in approach to ensuring that all pre-existing long-term care facilities are fully protected with fire sprinkler systems as would be required in new construction under America's predominant building safety and fire protection codes.

With respect to the effects of Federalism through this national regulation, HHS should more fully review and discuss its regulatory obligations under Executive Order 13132. This requirement addresses prior consultation with sub-federal authorities before taking actions that have considerable impact on State and local governmental authority.

**GENERAL**

GENERAL

As a firefighter and code official I completely support this initiative to protect the most frail and vulnerable members of our society.

**Maintenance**

Maintenance

HHS should recognize that the edition of NFPA 13 cited in this rulemaking is older than that cited by jurisdictions using the latest editions of the International Building Code and International Fire Code, thus creating additional conflict in jurisdictions utilizing this country's predominantly applied comprehensive building code.

**Regulatory Impact Statement**

Regulatory Impact Statement

HHS should recognize that the edition of NFPA 25 cited in this rulemaking is older than that cited by jurisdictions using the latest editions of the International Building Code and International Fire Code, thus creating additional conflict in jurisdictions utilizing this country's predominantly applied comprehensive building code.

**Sunset Provision**

**Sunset Provision**

I request that HHS present a full analysis of Federalism as required by Presidential Executive Order 13132.

In assessing the cost of imposing this regulation as a Federal rule, HHS should not presume the nature of future state and local code adoptions of the 2006 edition of the Life Safety Code in reducing the calculation of the costs attributable to this requirement as a Federal rule.



**Submitter :** Mr. Carl Ogburn  
**Organization :** Chestnut Ridge Foam, Inc.  
**Category :** Individual

**Date:** 12/20/2006

**Issue Areas/Comments**

**Background**

Background  
see attachment

**CMS Action**

CMS Action  
see attachment

**Current Fire Safety Status**

Current Fire Safety Status  
see attachment

**GAO Report**

GAO Report  
see attachment

**GENERAL**

GENERAL  
see attachment

**Phase-in**

Phase-in  
see attachment

**Sunset Provision**

Sunset Provision  
see attachment

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Submitter: Carl M. Ogburn  
 Organization: Chestnut Ridge Foam, Inc.  
 Category: Device Manufacturer  
 Issue Areas/Comments: General

**Background:**

Our firm specializes in assisting furnishings manufacturers and suppliers (seating, mattresses, etc.) in gaining compliance to the California Technical Bulletin 129 (ASTM E-1590) full-scale mattress fire test, and the California Technical Bulletin # 133 (ASTM E-1537) full-scale seating fire test. Other personal affiliations include membership in NFPA and ASTM.

**GOA Report:**

Our firm is an advocate of increasing fire-safety, especially in facilities whereby mobility might be limited such as a nursing home, hospital, etc. Currently the NFPA 101 Life Safety Guide allows the use of highly flammable furnishings in facilities which are sprinklered.

**Comments:**

The use of sprinklers is positive and does assist in the many facets of fire protection and prevention. However, sprinklers are not infallible, as witnessed by the massive sprinkler head recall by the CPSC of OMEGA sprinklers which was estimated at approximately 8.4 million sprinkler heads in service manufactured between 1982 through 1998 (see attached article). In addition, please see the Nursing Homes Magazine article dated February 2005, titled "Why Nursing Homes Need Better Fire and Smoke Protection" (attached). The article basically discussed the necessary **balance** of fire protection, as opposed to solely relying upon sprinkler systems.

**Recommendation:**

1. Existing nursing homes with or without sprinkler systems should have both smoke detectors **and** mattresses which comply with the requirements ASTM E-1590 Fire Test of Real Scale Mattress, as follows:
  - A. Peak rate of heat release not to exceed 100kW
  - B. Total energy released by the mattress during the first 5 minutes of the test shall not exceed 25 MJ.

**The above should happen with both new and existing facilities.**

2. The timing should occur for new mattresses within one year, applying to existing facility mattresses within three years. This should occur **beyond** the new CPSC requirement for all domestic mattresses stated in the new fire performance requirement 16 CFR 1633 effective 07/01/2007.
3. The existing facilities which are not sprinklered, should have the **option**, of alternately using both smoke detectors **and** a requirement for mattresses (stated above) **and** the following requirement for upholstered furniture, **in lieu of** "phased in" mandatory sprinklers.

Upholstered furniture shall comply with requirements for ASTM E 1537 "Fire Testing of Real Scale Upholstered Furniture Items as follows:

- A. Peak heat release for a single upholstered furniture item, not to exceed 100kW.
- B. Total energy released by a single upholstered furniture item, not to exceed 25 MJ.

New upholstered furniture should meet this requirement within one year, followed by phasing in of existing upholstered furniture within five years. This suggested alternative approach will improve fire safety for existing facilities and it offers an optional implementation method of improvements to fire safety. This option offers a suspected drastic decrease in the economic burden to such facilities.

**Further Discussion:**

The use of sprinklers is very important. However, sprinklers alone do not provide a **balanced** fire-safety approach, nor is this accomplished from their use with smoke detectors, or using smoke detectors alone. Neither of the two approaches are totally reliable, due to mechanical, manufacturing, or human error.

Additional requirements relating to the fire performance of mattresses and upholstered furniture provides a balanced approach, and helps improve fire safety by limiting ignitability and minimizing fire hazards from the major fuel sources in the areas of resident occupancy. This assists in fire **prevention**, in addition to protection.

The majority of existing facilities do not have funds for introducing sprinklers to their entire facility or extending sprinklers to the remainder of a partially sprinklered facility. This recommendation provides a **sensible option** in lieu of the proposed mandatory phase-in of sprinklers.

The current Life Safety Code addresses furnishings but provides exceptions if sprinklers or if smoke detectors are present. The current building code requirement also **falls short** of a balanced approach to fire prevention and protection.

A phase-in mandatory requirement of sprinklers to existing facilities would improve fire safety, but our suggested alternative is more prudent. It substantially reduces costs, improves current fire safety for residents, and provides an option. This option can most-likely be easily accomplished **without** robbing funds from those earmarked for proper and necessary resident care.

Your consideration of our suggestion is appreciated.

Sincerely,  
Carl Ogburn  
Vice-President  
Chestnut Ridge Foam, Inc.  
P.O. Box 781  
Latrobe, PA 15650  
724-573-9000 ext 261

**Submitter :** Mr. John A. Smith

**Date:** 12/20/2006

**Organization :** Mr. John A. Smith

**Category :** Individual

**Issue Areas/Comments**

**Background**

Background

As a practicing professional it is very important that HHS accept and adopt the ICC codes requiring long term care facility sprinkler protection. This is not only important for the people we serve in the public but also to our family and the ones of the "boomer" generation. This is our opportunity to do what's right for all people. An show our long term care residents that they are important.

So doing would streamline the permitting process by adopting uniform codes across the nation thereby eliminating jurisdictional conflicts.

**Installation**

Installation

If the sunset provision is to set a date for all to comply this would be acceptable. If it is to provide a way for non-compliance it is not.

**Maintenance**

Maintenance

I very much understand the goal of performance based code. If there was anyway to include language that endorses equipment standardization and or provide interconnectivity of systems, it would make life a lot easier for the owner/operator and code officials.

**Phase-in**

Phase-in

I would prefer to see a phased in process so that more locations have the proper opportunity to budget and install the systems correctly. This also provides the opportunity for local officials to be sure that installation is done properly and minimize the effects of the unlicensed installer.

**Regulatory Impact Statement**

Regulatory Impact Statement

With standardization of codes one would hope there would be some standardization of equipment. This would make maintenance and operations easier on the location to maintain and give the code official a better opportunity to monitor the systems.

**Submitter :** Mr. Randy Karrer  
**Organization :** Northwest Fire District  
**Category :** Local Government

**Date:** 12/20/2006

**Issue Areas/Comments**

**GENERAL**

**GENERAL**

It is my opinion as the Fire Marshal of the Northwest Fire District that a phased in approach to compliance of fully sprinklered in adult care facilities will save lives. We have already identified these facilities in our jurisdiction as our "highest risk". It just makes sense.

Submitter : Mr. Thomas Foster

Date: 12/20/2006

Organization : Office of the Snohomish County Fire Marshal

Category : Individual

Issue Areas/Comments

GENERAL

GENERAL

I would like to see a minimum 13D standard to existing facilities. Too often there is an over kill on engineering requirements. I have successfully installed systems using domestic water, pressure tanks, no flow switch, pvc schedule 40 pipe with backflow prevention and other types of improvements to lower the overall cost and impact. We need to protect the people in the facilities and not over require to satisfy some inspectors ideas. 13D and 13R systems were to prevent 90% of the fires. I personally installed my own system in a large dwelling on a well, using pvc pipe and did so at a substantial savings. The AHJ should also offer incentives to offset the cost to increase affordability. Put the wet stuff on the red stuff and make it easy for every one. A lawn sprinkler is more complex to build and install than a fire system and you can buy all the parts at a big box store. A novel approach would be to allow in single family dwellings a tap off the domestic in any room close to a water fixture. Pipe and a sprinkler head would be all that is necessary in a majority of these cases.