

**Report from the Fire Code Application Task Force
To the
Governor's Fire Service Policy Council
April 2008**

Summary

In June of 2003 the Governor's Fire Service Policy Council (GFSPC) created the Fire Code Application Task Force. This task force was created for determining if the concerns brought forward by the building industry related to inconsistent fire code application and administration had merit. With substantial support from the State Fire Marshal's Office (OSFM) and other interested parties, this task force determined that fire code application and administration is often inconsistent and sometimes arbitrary throughout the state.

Overview

The task force consisted of representatives from the following groups/organizations:

Oregon Building Officials Association
Oregon Fire Chiefs Association
Oregon Fire Marshals Association
Building Codes Division
Oregon State Fire Marshal's Office
Building Trades
Oregon Fire District Directors Association

They met on September 3, 2003. The purpose of this meeting was to discuss the issue at hand and how to proceed in a manner that would provide information and results. Assignments were to contact interested parties and encourage participation in the next meeting. Representatives were contacted at the Home Builders Association (HBA) and Oregon Building Industry Association (OBIA).

The second meeting on October 8, 2003. Several fire service representatives testified. The discussions that ensued indicated there are problems related to fire code enforcement. Fire officials recognized areas of concern and spoke to the issue. The task force, however, was frustrated in its inability to generate testimony from the building trades.

The task force scheduled the next meeting on February 11, 2004. In the interim, a brief article explaining the purpose of the task force would be published in Code Link, a Building Codes Division (BCD) publication. The State Fire Marshal and his Chief Deputy would meet with appropriate representatives of the building industry.

These efforts bore fruit. Nathan Phillips, who is a contractor and Chair of the Electrical and Elevator Board for BCD, joined the task force. Nathan brought approximately 20 written statements outlining arbitrary or inconsistent incidents of fire code enforcement. These

statements were consistent with the testimony presented by fire officials, inasmuch as both groups recognize a problem with fire code enforcement.

Discussion

The Building Code and Fire Code are companion documents. The Building Code regulates construction and the Fire Code maintains the building over the life of the structure. In theory, the Building Code and Fire Code should always agree. The source of irritation for the end user generally comes when a fire official calls out a code deficiency late in the construction process, or during a final inspection. While disagreement related to code interpretation between building and fire officials do occur, it does not appear to be the primary source of dissatisfaction among users - it is the timing. Finally, contractors feel they are receiving little value in return for the amount of money spent on plan review fees.

The task force believes the source of inconsistent code administration and enforcement is based upon the following:

- Lack of communication between building and fire officials
- Lack of understanding related to scope of authority
- Code competency/interpretation
- End user not understanding building/fire official relationship
- Code administration process

Conclusion

The task force has determined there are problems related to inconsistent building/fire code application and enforcement. While the mandate from the GFSPC was to look at fire code application and administration, the task force feels the issue is inextricably correlated with building code application and administration. One code builds it; the other maintains it. The synergy between the codes is undeniable, which means the problem lies in process.