



NEW YORK STATE SENATOR

Timothy M. Kennedy

## Kennedy Sounds The Alarm: Albany Bureaucrats Will Send Gas Station Safety Regulations Up In Smoke

TIMOTHY M. KENNEDY September 16, 2015

| ISSUE: **CODES, FIREFIGHTERS, BUILDING OR INSPECTIONS**



*Kennedy Calls NYS Code Council's Proposal to Abolish Mandated Fire Suppression Systems at Gas Stations a Dangerous, High-Risk Gamble*

*Short-Sighted Ruling Jeopardizes Safety of Customers and Nearby Residents, Threatens Jobs Statewide. Senator Demands Council to Rescind Ruling - Stands Ready to Introduce Legislation*

BUFFALO, N.Y. – Senator Tim Kennedy stood today with members of the Doyle Volunteer Hose Company No. 2 and fire-suppression system specialists to call upon the New York State

Fire Prevention and Building Code Council to rescind a proposal to abolish a state mandate requiring gas stations to operate fire suppression systems. The proposal, which received an initial vote for passage at an August 19<sup>th</sup> meeting of the Code Council, moving it into the mandated public comment period, would abolish the requirement that all gas stations maintain a working fire suppression system. Citing improved technology such as emergency cut-off valves, and breakaway gas pump hoses, the Council appears to believe the fire suppression system is no longer needed. However, Kennedy and the assembled fire experts pointed out that while these new technologies help to limit the spread of a fire, they do not actively extinguish it once it is underway, posing a significant safety risk to customers and nearby residents.

In a letter to the Code Council, Kennedy called upon them to immediately begin the process of reversing this change, which would abolish a regulation that has been implemented in numerous other states, including New York since 1984. According to one expert who contacted Kennedy's office, he was able to secure video footage of at least six examples of gas station fires being safely extinguished by suppression systems in just the past year, including a recent incident in Utica. Kennedy also stated in his letter that if the Code Council fails to act in the interest of public safety, he stands ready to introduce legislation to require the continued use of these systems. Noting that these systems often cost under \$1,000 in annual maintenance costs, Kennedy argued that the savings would be negligible for gas station owners.

"New York State is a leader in consumer and public safety," said **Senator Kennedy**. "This proposal, which has progressed too far already, will force our state to take a large step backwards, putting fueling station customers and their neighbors at risk. We should cut through red tape whenever possible to make doing business easier, but this is not a regulation I am willing to roll back, and I believe that Western New York residents will agree."

I call upon the Code Council to vote down this proposal when it makes it way to final passage, and I stand ready to introduce legislation should they fail to act in the interest of public safety.”

“Gas station fires are dangerous, and can spread quickly,” said **Doyle No. 2 Chief David DeFields**. “In the event of a fire, an automatic suppression system is the first line of defense for customers and nearby residents. As a volunteer firefighter, I know that keeping these systems in place will keep my fire district, and the members of my fire company, safer, and I hope that the Code Council chooses to keep this lifesaving technology in place.”

“Every day, my employees and I are out in the field performing routine maintenance on automatic suppression system at gas stations,” said **Eric Allen, owner of Elwood Fire Protection**. “These systems save lives, and they help ensure that a small fire never has the opportunity to turn into an inferno. This is a matter of public safety, and the best way I know to keep the public safe at a gas station through the use of an automatic fire suppression system, which utilizes modern fuel shut-down interconnect technology. Without these systems, it is only a matter of time until an innocent bystander is hurt, or worse.”

According to the National Fire Protection Association (NFPA), there were 4,280 documented gas station fires in 2008, the latest year when statistics were available. As a result of these fires, there were 25 civilian injuries and \$28 million in damages. Of those fires, 580 began as structure fires, 2,510 began as vehicle fires, and the remaining 1,200 began from other sources. While these numbers have decreased since 1980, when gas stations experienced 7,860 fires, they remain high and underscore the importance of automatic fire suppression systems. Just recently in 2009, a fast-spreading gas station fire in Colorado Springs, Colorado claimed the life of an 18-year old woman. While the station was equipped with an emergency shut-off system, Colorado does not require the use of fire suppression systems.

In addition to the safety concerns, Kennedy also highlighted the economic impact this decision would have on Western New York businesses. According to one local employer, who employs over twenty workers, nearly 60% of his business comes from gas station fire suppression system installation and maintenance. The same employer cites at least two other local companies, along with over 300 employees statewide whose good-paying jobs rely on the installation and maintenance of these life-saving systems.

Please see the senator's letter to the Council below:

New York State Fire Prevention and Building Code Council

New York State Department of State Division of Building Standards and Codes  
One Commerce Plaza

99 Washington Avenue, Suite 1160

Albany, New York 12231

To the members of the New York State Fire Prevention and Building Code Council:

I write to express my strong objection to the proposed change by the Code Council to reverse a rule implemented in 1984 requiring fueling stations to install and maintain fire suppression systems. This rule, in existence for over three decades, saves lives and property, while also supporting jobs across the state at a low cost to gas station owners. I strongly urge the Code Council to ultimately reject this proposed change in the interest of public safety.

I understand that since this rule was first implemented, new technology has been introduced, including emergency cut-off systems, and breakaway gas pump hoses. These systems are important to gas station safety, and I applaud their introduction. However, while these systems do indeed limit the spread of dangerous gasoline fires, they do not actively extinguish the fire once it has ignited. Additionally, many gas stations are located right in residential neighborhoods, with children and other pedestrians located nearby. These fire suppression systems help to ensure that once a fire does start at a gas station, it is quickly extinguished before it is able to spread to vehicles and nearby buildings.

One does not have to search long in order to find examples of deadly fires at gas stations that lacked these systems. For example, a 2009 fire in Colorado Springs, Colorado – a state that does not require this system – claimed the life of an 18-year old woman. While an employee quickly implemented the emergency shut-off system, and the local fire department was on the scene in a matter of minutes, it was still not enough to save her life. If the maintenance of these systems saves even one life, they are ultimately worth the small cost to gas station owners.

It is not difficult to imagine that the removal of these systems would put New Yorkers at risk. According to the National Fire Prevention Association, there were 4,280 fires at gas stations across the country in 2008, causing over \$28 million in damage and injuring 25 civilians. While this is down from the 7,860 fires seen across the country in 1980, it is still an alarming number that demonstrates the continued need for these vital safety systems.

In addition to the inherent safety risks of abolishing this rule, I also am concerned about the economic impact. According to a local employer located in Western New York, whose business relies heavily on the installation and maintenance of suppression systems, roughly 300 good-paying jobs across the state would be put at risk as a result of this change. When combined with safety risks to lives and property across the state, I cannot support this

proposed change, and I strongly urge the Code Council to reject it following the required public comment period. Should you have any questions, please contact me in my district office at (716) 826-2683.

Sincerely,

Timothy M. Kennedy

New York State Senator, 63<sup>rd</sup> District

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*Senator Timothy M. Kennedy represents the New York State Senate's 63rd District, which is comprised of the towns of Cheektowaga, the city of Lackawanna and nearly all of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.*