



STATELINE ALERT

New Jersey, New York, Pennsylvania, Connecticut, and Delaware

May 12, 2004

NJ DCA, Division of Fire Safety Interpretation on Dry Chemical Kitchen Systems

BY JOHN LAWLOR

As you may know, I sit on a nine-member panel at the New Jersey Department of Community Affairs, Division of Fire Safety. The committee was by appointment from James McGreevey, the governor of New Jersey; our charter is to advise the division on recommended changes to the fire code.

One area of significant concern involves the State of New Jersey's position on dry chemical restaurant systems and their continued use in commercial cooking operations. In January 2003, the Division of Fire Safety issued *Bulletin: 2003-2* (January 6, 2003, "Range Hood Extinguishing Systems," referencing N.J.A.C. 5:70-3.1(a) 5, F-511.0 and F512.0, respectively), which took the position that "there is no reason why they [dry chemical systems] cannot be serviced." It further implied that contractors who refused to service these systems, or who required their customers to sign waivers of liability, may be misrepresenting the facts to imply that dry chemical systems are no longer legal in the State of New Jersey. The bulletin also set forth a list of criteria by which a dry chemical system would be required to be removed and replaced with a UL300 wet chemical system, which does support our position. However, the overall tone of the memo and its subsequent reversal of previous memos cast fire protection equipment distributors and servicing companies in a bad light, and served to reinforce the notion in the minds of New Jersey restaurant owners that there is no need to make changes in protection.

Our committee had an opportunity last Wednesday (4/28/04) to meet with George Miller of the Division of Fire Safety, the author of *Bulletin: 2003-2*. George is a very knowledgeable and open-minded public servant. It was clear that he and his group had done considerable

research prior to issuing the bulletin. Specifically, Mr. Miller stated the division's position as follows:

- The State of New Jersey, prior to issuing *Bulletin: 2003-2*, had not received convincing technical arguments to mandate dry chemical systems out of existence, nor were they willing to accept [what they perceived at the time to be] purely revenue-motivated arguments from fire equipment distributors for UL300 upgrades.
- The State of NJ did not see a disproportionate number of restaurant fires that were attributable to dry chemical systems vs. wet chemical systems (i.e., no data to support fire equipment distributors' argument that dry chemical systems are less effective than wet chemical systems in extinguishing fires).
- The State of NJ would only mandate dry chemical systems out of existence if Underwriters' Laboratories (UL) drops the listing on these systems. (They [the Division of Fire Safety] are under the impression that a manufacturer can "unlist" a system after it has gone through the listing process simply by invoking the request with UL, but this is not the case.)

What was clear from speaking with Mr. Miller, however, was that we [the fire protection distributors] have a viable argument—we're just stressing the wrong point in our argument. Miller felt that the State of New Jersey would be more sympathetic to our position if we stop speaking in terms of what customers need to buy or to what system they need to upgrade. Instead we should specifically state why the existing system can no longer be serviced. To that end, he recom-

mended that, effective immediately, those companies still inspecting dry chemical systems in the State of New Jersey should add the following language to their inspection report(s):

“This system cannot be maintained in accordance with its original listing”

– OR –

“We can no longer maintain this system in accordance with its listing because...”

1) [System requires replacement parts:] ...P/N XXXXX-XX is no longer manufactured or available.”

2) [System requires recharge or hydro:] ...extinguishing agent for recharge is no longer manufactured or available.”

3) [If neither situation above exists:] ...the hazard for which this system was tested has changed.” **

** (In all cases, if the system is protecting newer, high-efficiency cooking appliances and/or the restaurateur is using higher temperature vegetable cooking oils, as is common today, the listing parameters have changed, and the servicing company would be correct in noting that the system “cannot be maintained in accordance with its original listing.”)

Copies of inspection reports stating this deficiency should be forwarded to the attention of George Miller at the Division of Fire Safety. His address is as follows:

Mr. George Miller
State of New Jersey
Department of Community Affairs
Division of Fire Safety
101 South Broad Street
P.O. Box 809
Trenton, NJ 08625-0 809

Only after his group has received a significant number of inspection reports, with notation(s) described above, will they consider repealing or amending Bulletin: 2003-2. Miller suggested that any servicing company that has ceased servicing dry chemical systems should forward copies of all cancellation of service notices for dry chemical customers to his attention at the address above—if yours is one of those companies, please do so.

This is a critical first step in having dry chemical restaurant systems considered obsolete and phased out of the State of New Jersey. If you are a licensed fire equipment service provider in the State of New Jersey, please do your part in helping move this objective forward by following the suggestions outlined above. If you represent an association whose members perform fire protection service work in the state, please digest this information and put this out as a bulletin to your members. Thank you for your assistance. ❖

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NAFED recommends that all member companies comply with this request and provide copies of all non-UL 300 restaurant system inspection reports to Mr. George Miller. Please be sure to use the requested format.



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Division of Fire Safety
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BULLETIN: 2003-2

Issue Date: January 6, 2003

SUBJECT: Range Hood Extinguishing Systems

REFERENCE: N.J.A.C. 5:70-3.1(a)5, F-511.0 and F-512.0

This is the **fourth** Bulletin to be issued by the Division of Fire Safety on the subject of Range Hood Extinguishing Systems. Bulletin 95-1, the first of these four, is no longer valid and should be discarded. Bulletins 98-2 and 2001-2 contain information that remains accurate and should be consulted along with this document to provide a broad understanding of the relevant code enforcement issues. The results of an unsolicited survey conducted by a fire protection system installer and service company, and widely distributed, were enlightening because they indicate a fairly high level of understanding of Uniform Fire Code provisions by a large percentage of those Fire Officials who responded to the survey. However, it must be understood that neither the content of our Code nor its interpretation are established by public opinion polls.

In spite of what many are being led to believe by some in the fire protection system business, there is no regulatory requirement to universally replace existing dry chemical range hood extinguishing systems. As long as a system is properly maintained, it can remain in service. Despite representations or suggestions by anyone to the contrary, Underwriters Laboratories has not removed, generally, their listing from any properly maintained existing dry chemical range hood extinguishing system.

Some manufacturers and servicing companies have also announced that inventories of replacement parts have been exhausted and will not be replenished. Dry chemical systems that they sold will no longer be serviced, inspected or recharged. System owners are being asked to sign a "Waiver of Liability" before some companies will service the systems they installed. But, there are companies that are willing to service dry chemical systems and there is no reason why they cannot be serviced.

Bulletin 2003-2
Range Hood Extinguishing Systems

As far as the number of REQUIRED INSPECTIONS is concerned, the Code requires at least one annual inspection, either because the system is located in a Life Hazard Use or because a permit is required by Code. Systems must be serviced more frequently than that, according to Code requirements. What that means is that fire inspectors are to require evidence of proper periodic servicing during the annual inspection.

The attached matrix should assist Fire Officials in determining whether an existing system needs replacement.

PRE-ENGINEERED RANGE HOOD EXTINGUISHING SYSTEM MATRIX

FIRE EXTINGUISHING SYSTEM STATUS	ACTION REQUIRED	RESPONSIBLE OFFICIAL	PERMIT REQUIRED (Y/N)
1) Existing System, unmodified	None ¹	Fire Official – maintenance only ²	UFC - Yes ³
2) Existing system, modified frying medium only	None ¹	Fire Official – maintenance only ²	UFC – Yes ³
3) Existing system, changed with like cooking appliances	Certification of proper protection required; A) Verify existing protection adequate, Certification B) If in violation of original approval, See [4] below.	A) Fire Official, after consultation with F.S.O. B) If problem, Fire Subcode Official.	A) Approval only or UCC Permit B) UCC Permit required
4) Existing system, changed or extended piping	Complete system compliance with UL 300- A) UFC – Notice and Order to Correct B) UCC Plans, permit, acceptance, approval	A) Fire Official B) Fire Subcode Official	B) UCC Permit required
5) New system installations	Complete system compliance with UL 300- Plans, permit, acceptance test, approval	Fire Subcode Official	UCC Permit required

¹ Verification of existing system, proper operation and maintenance, including required automatic fuel supply cutoff to all appliances.

² Certification from qualified service company regarding full system function, including fuel supply shutoff, required per UFC.

³ UFC permit required for permanent cooking operation requiring suppression not registered as a life hazard use per NJAC 5:70-2.4.