
THE FINAL WORD? – OPINION vs. CODE

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Many of us have been in this position before: We come across a fire protection design or installation condition that requires examination of the applicable code for a specific application. Our knowledge and experience (or lack thereof) leads us to lean in one direction to an *opinion*. However, the Authorities Having Jurisdiction and/or the Owner's Designated Representative/Engineer of Record reject your application or *opinion* based upon the *code* as they read it.

Our first reaction? How dare they! What grounds do they have to stand on? Have they ever designed or installed a fire protection system before? So, we confer with colleagues and others who share our *opinion*. Since others we associate with agree with us (birds of a feather), we surely must be right. When the approving bodies request substantiation or supporting arguments for our *opinion* or interpretation, we go with who we know. Depending on whether you're a union or non-union shop, the National Fire Sprinkler Association (NFSA) or the American Fire Sprinkler Association (AFSA) is sometimes solicited to provide their *opinion* of the specific situation.

Why NFSA or AFSA? Because many contractors belong to these organizations and trust their *opinions*. Also, some of their membership or technical staff is or has served on National Fire Protection Association (NFPA) committees. In addition, I've been told that it is quicker to get an interpretation from these resources than a formal one from NFPA. I must agree, based on my past experiences. However, it must be noted that faster does not mean accurate as I have learned (painfully sometimes) over time.

NFSA is a contractor-based organization (originally formed as the National Automatic Sprinkler Contractors Association). On its website (www.nfsa.org), they even indicate in their by-laws that "...all rules and regulations which have been, or may hereafter be, promulgated by the *National Fire Protection Association and for the purpose of carrying out and obeying such rules and regulations as may be adopted and required by such association.*" It's interesting that they defer to NFPA for final compliance.

The NFSA Board of Directors is made up primarily of contractors. On its website, it states "Sprinkler contractors who are members of the Contractors Council (12) serve on the NFSA's Board of Directors. The Sprinkler Manufacturers Council has six representatives, and the Suppliers and Manufacturers (SAM) Council has one representative." Nowhere does it have any code official or NFPA representation on its Board of Directors. This organization appears to reflect mainly contractor interests.

AFSA is also a contractor-based organization. From its website (www.sprinklernet.org), it states "The American Fire Sprinkler Association, (AFSA) is a non-profit, international association representing open shop fire sprinkler contractors, dedicated to the educational advancement of its members...." I could not locate information on its website regarding membership or board of director representation but contractors would probably make up the lion's share of AFSA membership and its board. This organization also appears to reflect mainly contractor interests.

NFPA has been around a little longer than NFSA or AFSA. On its website (www.nfpa.org), it states “Established in 1896, NFPA serves as the world's leading advocate of fire prevention and is an authoritative source on public safety. In fact, NFPA's 300 codes and standards influence every building, process, service, design, and installation in the United States, as well as many of those used in other countries.” Since this organization actually authors codes and standards used worldwide, their interpretations would carry a little more weight when doing negotiating with reviewing authorities, wouldn't you agree?

Don't get me wrong. NFSA and AFSA technical staff members are competent and respected individuals in their own right. I also would encourage anyone to apply for membership to these organizations and participate in their educational seminars. However, they are not the final code authorities on projects. Their interpretations are opinions only. These are contractor-based organizations – not *code* authority organizations. Interpretations or *opinions* offered by NFSA and AFSA come with qualifying statements and disclaimers indicating that their opinion has not been processed as a formal interpretation and should not be relied upon as the official position of NFPA or its committee. Granted, the individuals offering the opinions are currently or have been on NFPA committees. However, as in any committee, the group is made up of many individuals with differing opinions that must come to a consensus and designate an individual to represent the committee consensus. When you place a call or request a *code* interpretation from NFPA, you are dealing with the individual who represents that particular committee.

So, the next time you solicit an *opinion* to support your position, realize that it would carry more weight coming from a *code* authority rather than an organization that may have self interests in mind. It may take longer to get a formal *code* interpretation but at least you know it should be the correct one. To assist in expediting interpretations, a phone call could be made to the designated NFPA representative (you have to be a member, just like you must be a member of NFSA or AFSA for their solicitation) and follow it up in writing. This documentation (the answer will only be as good as the thoroughness of the question allows) can be forwarded to the reviewing body and they can contact NFPA if need be to verify the documentation. This is sometimes faster than waiting for an opinion from NFSA, AFSA or other organization willing to offer an *opinion*.

You may think that I hang my hat on NFPA for final code authority but here's where I throw you the two-strike curveball. Please be advised that NFPA also is NOT the final code authority on matters. Any work or design performed in Minnesota must comply with the Minnesota State Building and Fire Codes (IBC and IFC with MN amendments) which supersede NFPA. Many people are under the impression that if they satisfy NFPA requirements, it's a done deal. Not in Minnesota and many other states. So, if you only have copies of NFPA standards in your possession and not copies of the State Building and Fire Codes, then you are unarmed when dealing with code officials or Engineers of Record because that's what they are required to use. Also, it would be wise to possess copies of statutes or policies of individual communities to assure compliance, in addition to the state codes in your technical library.

What happens if there's a discrepancy between state and local codes? Now that's a subject you could dedicate another entire article to.