

PA12-184

HB5394

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

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**CONNECTICUT
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SENATE**

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Would you remark further on the bill as amended?

Representative Morin.

REP. MORIN (28th):

Thank you, Mr. Speaker.

I move that this resolution be placed on the
consent calendar.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, sir.

The motion before us is to place that item on the
consent calendar.

Is there objection? Is there objection?

Hearing no objection, the item is placed on the
consent calendar.

Will the Clerk please call Calendar 155.

THE CLERK:

On page 4, Calendar 155, Substitute for House
Bill Number 5394, AN ACT CONCERNING SMOKE AND CARBON
MONOXIDE DETECTORS AND ALARMS IN RESIDENTIAL
BUILDINGS, favorable report by the Committee on Public
Safety.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Dargan of the 115th, you have the
floor, sir.

REP. DARGAN (115th):

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I thank you, Mr. Speaker.

I move acceptance of the joint committees' favorable report and passage of the bill.

DEPUTY SPEAKER ARESIMOWICZ:

The question is on acceptance of the joint committees' favorable report and passage of the bill.

Will you remark, sir?

REP. DARGAN (115th):

Thank you very much Mr. Speaker.

The Clerk has a strike-all amendment, LCO Number 5417. May he please call, and I be allowed to summarize?

DEPUTY SPEAKER ARESIMOWICZ:

Will the Clerk please call LCO Number 5417, which will be designated House Amendment Schedule "A."

THE CLERK:

LCO 5417, House "A" offered by Representative Dargan, Representative Floren, et al.

DEPUTY SPEAKER ARESIMOWICZ:

Representative seeks leave of the Chamber to summarize the amendment.

Is there objection to summarization?

Hearing none, Representative Dargan please proceed, sir.

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REP. DARGAN (115th):

Thank you, Mr. Speaker.

Briefly, and you really can't be briefly about a tragic incident that happened on Christmas Day in the City of Stamford where there was a tragic death. And during this semester, in a collaborative way, there has been a number of us that met, Democrats and Republicans, to try to come up with something that actually makes sense. And the first part of the amendment just deals with any time that there is any residential reconstruction that there would be a CO detector and/or -- and a CO detector and smoke detector.

Section 2 would really deal with the public service component of it, to get the public service message out, not only from the fire service community but from us, as elected officials.

And I move its adoption.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much.

The question before the Chamber is on adoption of House Amendment Schedule "A."

Will you remark further on the amendment? Will you remark further on the amendment?

If not, I will try your minds.

All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ARESIMOWICZ:

Those opposed, nay.

The ayes have it.

The amendment adopted.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

REP. DARGAN (115th):

Mr. Speaker, I would move to consent.

DEPUTY SPEAKER ARESIMOWICZ:

Motion before the Chamber is to place this item on the consent calendar.

Is there objection? Is there objection?

Hearing no objection, the item is placed on the consent calendar.

Will the Clerk please call Calendar 338.

THE CLERK:

On page 39, Calendar 338, Substitute for House Bill Number 5342, AN ACT CONCERNING REVISIONS TO THE STATE'S BROWNFIELD REMEDIATION AND DEVELOPMENT STATUTES, favorable report by the Committee on

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On page 7, Calendar 219, House Bill Number 5148,
AN ACT CONCERNING AN ACT CONCERNING COMMUNICATIONS TO
VICTIMS OF THE CURRENT OPERATION OF A MOTOR VEHICLE
THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY.
DEPUTY SPEAKER ARESIMOWICZ:

The distinguished Majority Leader, Representative
Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Good to see you up there.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you, sir.

REP. SHARKEY (88th):

Mr. Speaker, this represents the consent calendar
and for everyone's edification, I will be listing off
the calendar numbers in numerical order so that
everyone can follow. I'll try keep it -- and make
sure that I do it in numerical order. Thank you.

These will be: Calendar Number 90, Number 155,
Number 219, Number 223, Number 290, Number 320, Number
338, Number 345, Number 389, Number 430, Number 444,
Number 455, Number 467, Number 470, Number 475, Number
481, Number 485, Number 488, Number 489, Number 494,

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Number 496, Number 497, Number 505, Number 510, Number 513, Number 525, and Number 531.

I move adoption, I move adoption.

And with that, Mr. Speaker, I move adoption of the consent calendar. I move the consent calendar.

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

The question before us is on passage of the bills on today's consent calendar.

Will you remark?

If not, staff and guests please come to the well the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting today's consent calendar by roll call. Members to the chamber please.

SPEAKER DONOVAN:

Have all members voted? Have all members voted?

Please check the roll call board to make sure your vote has been properly cast.

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If all members have voted, the machine will be locked, and the Clerk will take a tally.

The Clerk please announce the tally.

THE CLERK:

On today's consent calendar

Total number voting	144
Necessary for passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	7

SPEAKER DONOVAN:

The consent calendar passes.

Any announcements or introductions? Any announcements or introductions?

Is there any business on the Clerk's desk?

THE CLERK:

A list of Senate bills, Mr. Speaker.

SPEAKER DONOVAN:

Representative Brendan Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

I move that we waive -- waive the reading of the bills and have these items placed immediately on the House calendar.

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STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
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2012

had. I had submitted testimony too.

REP. FOX: Okay. I mean, you don't have to read your testimony, but you are - you are listed here so if you want to testify, you can.

GLENN ANDERSON: Okay, sure.

Mr. Chairman, Senator Coleman, members of the Judiciary Committee, my name is Glenn Anderson. And I am from Durham. I'm a constituent of Senator Meyer who is a member of the Judiciary Committee and I'm here today to offer testimony in support of Bill Number 365.

HB 5394

On December 17, 2004, my wife Kelly Anderson was poisoned by carbon monoxide. Carbon monoxide is a colorless, odorless, tasteless, toxic gas that prevents the organs in your body from being supplied with oxygen. When your brain is deprived of oxygen due to carbon monoxide poisoning, chemical toxic reaction begins which causes the brain cells to die and the brain to atrophy. This process ignites a ticking time bomb which will explode years later after the initial exposure to carbon monoxide and will cause you to have numerous neurological, physical and psychological medical problems. This is what has happened to my wife Kelly since she was poisoned by carbon monoxide.

I work from home so on a daily basis I see how my wife Kelly struggles due to her severe physical brain damage which is caused by the latent effects of carbon monoxide poisoning. Kelly's brain no longer has the capability to retrieve new old information in a timely manner since she has lost so much physical brain matter in the in the frontal, parietal and temporal lobes of her brain. This causes

Kelly to forget tasks that she was in the process of performing which prevents her from completing the task. Kelly's brain still contains all of her intellect and memories from before the CO-induced brain damage. This causes Kelly to become upset and frustrated while trying to perform tasks that she knows she has done before but is now unable to do, problem solving, making decisions, remembering what she did ten minutes ago, which then leads to panic attacks while trying to perform these daily normal tasks.

Kelly has gone through a sleep study which showed that her ability to learn and build new memories has been negatively impacted since her brain no longer goes into sleep stages three and four. There are four stages of sleep that people need to go through during the night, but three and four being the stages where -- where your prior day experiences are moved and stored when the brain has memories.

Sleep stages three and four are also the stages that allow you to wake up in the morning feeling refreshed. My wife Kelly sleeps over 12 hours per day and is still tired and physically weak when she wakes up due to not receiving sleep stages three and four. My wife Kelly also experiences and suffers from night terror attacks. Kelly will wake up during the night screaming due to having intense fear of horror and fear and she will sometimes see hallucinations.

Kelly now needs to sleep with a with a CPAP oxygen machine for the rest of her life in order to prevent further brain damage and try to have her brain go into stages three and four. Kelly's health has plummeted drastically due to brain damage which was induced by CO, which has caused her to feel

heartbroken because she has lost her independence and quality of life that she previously enjoyed.

All of Kelly's doctors had informed her that her brain damage is permanent, that Kelly never will regain the brain that she has lost. She wants to be the same Kelly that her family knew and loved before she was poisoned. Regardless of how Kelly now feels about herself due to her medical problems, her husband, her family will always love her very much and always will be very proud of her.

I have witnessed firsthand how my wife has felt victimized in finding out that the current Connecticut statute of limitations does not protect her and does not take into account the latent effect of carbon monoxide poisoning. When Kelly was initially poisoned by CO seven year ago, she was told that she was okay and lucky to be alive. Seven years later Kelly had a shocking rude awakening when she was told that she was really not okay due to the latent effects of CO poisoning which was diagnosed as the cause of her severe medical problems.

I wish to thank Senator Ed Meyer and members of the Connecticut Trial Lawyers Association, John J. Kennedy, Jr., Neil Ferstand, and lobbyist Jeef -- "Zeke" Jeff Zyjeski, and everyone else involved on behalf of my wife Kelly for the time and effort towards getting Bill 365 passed into law.

In conclusion, I urge you to please support and pass Bill 365 to make the law fair for the citizens of the State of Connecticut, allow them to seek restitution when they have been poisoned by carbon monoxide due to negligence and then find themselves suffering years later

from the latent effects of this toxic gas. Please don't abandon my wife Kelly or anyone else that has been the unfortunate victim of CO poisoning due to negligence and leave them outside of the protection of the law.

There is another bill, 5394, which is currently going through the legislative process which would mandate the installation of carbon monoxide detectors in residential buildings. If 394 had been passed eight years ago into law and the law -- and the law had been enforced and obeyed, my wife Kelly may not have been poisoned by CO.

It is always better to be proactive and prevent problems. So -- been -- but when being proactive fails, there needs to be a law in place that will protect the citizens of the State of Connecticut.

Passing Bill 365 will provide that protection to all citizens of the State of Connecticut if they unfortunately find themselves injured years later after being exposed to carbon monoxide due to negligence. I hope in the future no one will ever have to endure the pain of being permanently injured as my wife Kelly has been.

Thank you.

REP. FOX: Thank you. Thank your for your testimony.

Are there other questions? Okay.

Representative O'Neill.

REP. O'NEILL: The -- the exposure to the carbon monoxide occurred, I guess, in 2004. And then the thing that made you aware of the fact that

there was this injury that had been sustained, the brain injury occurred something, like, six or seven years later. I think it was described as seizure?

GLENN ANDERSON: Yes.

KELLY ANDERSON: Yes.

REP. O'NEILL: Were -- were there any other earlier evidences of deterioration or did all the deterioration of -- of -- within the brain occur after the seizure and --

GLENN ANDERSON: There were some earlier ones but it wasn't diagnosed as being caused by CO until later.

REP. O'NEILL: Okay. So there were -- there were other earlier seizures that occurred or --

GLENN ANDERSON: No. Just the --

KELLY ANDERSON: Yeah. I didn't -- I didn't understand how come I was starting to feel very -- I didn't have -- I didn't -- I didn't feel myself. I felt like I was not able to do anything, and I was retrieving and staying at home all of the time, and I did that for three years. I tried to help myself because I'm -- I'm a very, very, very willful and strong person. I've gone to school and I've been happy. I have a very loving family and I've always had a very happy and a very positive life, so I thought that whatever was happening to me I believed that I could overcome it with my own mental strength.

Three years have passed. And in three years, I finally decided I should go to a psychiatrist. I told him, I said, I'm not sure what happened, I said, but I'm not able

to leave the house, and everything -- everything frightens me and I don't know why. And he asked me what happened and I didn't even remember. I just said I don't know. And he just said I had all of the classic -- classic symptoms of being severely traumatized. So he put me on Xanax and Zoloft because I wasn't able to function.

So my family supported me and -- and this is what happened for the next three years. Thereafter, and still staying home with my family supporting me, because no -- none of the doctors diagnosed it where it was carbon monoxide poisoning, I, painfully, I -- I thought that I was just going crazy. I did, I really did.

I met my husband Glenn, and after we were married -- only a year after?

GLENN ANDERSON: Yes.

KELLY ANDERSON: He found me on the floor and I had a seizure. They took me to the hospital. When they did, they took a CAT scan, and only at that time, they said you have the -- the brain tissue of a 97-year-old woman and have you ever had an accident or have ever had any trauma. And I never have, so I completely didn't understand why they found anything.

Then, in putting all the pieces together and -- and talking -- and talking to Glenn, we found out that the -- the carbon monoxide poisoning was what happened when my brain shrunk and atrophied to a 97-year-old person. And after that, I went to doctors and when they went and they tested me -- and I have been through an extraordinary amount of tests -- all of the tests revealed that it's completely consistent with someone being

poisoned, as I was, on a chronic level.

I was poisoned from the day I moved into this home for ten months slowly. Then, at the end of the year, November and December, when the heat was on higher because it's cold out, then that's when I had my very strong poisoning and was found unconscious. I lived in a duplex. So my neighbor who never lived there more than one weekend a year to visit his children, he came in with his girlfriend only for the day, and when he found -- he -- his girlfriend didn't feel well, and when she didn't feel well, the first thing that he did was he suspected gas and called the gas company.

They came in and he -- he knew that I was home because of my car being in the driveway, and no one could get in touch with me, calling me, because I was unconscious. He filed a police report and everyone came over and found me unconscious and took me to the hospital. It was only at that time that -- that's when they told me, okay, you have been poisoned by carbon monoxide. But, as I left the hospital, they just left me with papers that just said you'll be -- in three day -- you'll feel dizzy for three days, after that, you know, you will -- you can go on and you'll -- you'll be yourself. There was nothing to state to follow up. So I went on with my life.

So I just thought that as I was deteriorating, I seriously thought that I was just going crazy because, all of a sudden, all the things I did I was scared to do and I couldn't even do them and I didn't know why. And I am very -- I was a very, very, very strong woman and a very, very willful woman and -- and my intellect was always very strong and had never -- was never depleted. So I didn't know what was wrong with me.

So I worked on myself for these three years. After that, I went to a psychiatrist, took -- took the medicine. I still was traumatized, couldn't function. Only the seizure then found where -- when I through the CAT scan, after the CAT scan, we went to the doctors. When they saw the brain damage, they saw that -- because of the consistency of the brain damage, it is consistent with the way it would be when you are chronically poisoned from carbon monoxide because there are three lobes that poisoning destroys completely.

It leaves -- for some reason, it leaves you with only one lobe, which is your long-term memory, which is your IQ and all of your long-term memories. But I do not have any other capabilities of remembering or processing thoughts at all and executive skills and doing things.

REP. O'NEILL: Uh-huh. Okay. Thank you.

KELLY ANDERSON: So --

REP. O'NEILL: I guess what I was looking for was to find out if you had, as I said, any prior episodes before that one that was about six or seven years. So there -- there was some -- some evidence that some kind of problem that you were having that predated the seizure but --

KELLY ANDERSON: This happened --

REP. O'NEILL: -- and you went to see a psychiatrist about it --

KELLY ANDERSON: But I didn't know -- but I didn't even remember I was poisoned. After I was poisoned, it -- it just -- it already

deteriorated my brain and I didn't even remember.

REP. O'NEILL: Uh-huh.

KELLY ANDERSON: So when I went there, he just said you have classic symptoms of being traumatized, and I -- and I said I've never been traumatized. I've never -- nothing has ever happened to me. Because when I left the hospital, they had just told me I was okay, and life went on. And I figured I'm walking, I'm breathing, I'm talking, I guess I'm okay. But I slowly deteriorated to a point where I couldn't -- I didn't leave the house. And then three years passed. And three years passed where I accepted it and I stayed home because I thought something was just mentally wrong with me. But it wasn't. I wasn't. Nothing was mentally wrong with me from birth. It was that the effects were starting. And then when I married Glenn, when I had the seizure, it was -- everything collapsed at that moment.

The things I could do prior to the seizure, everything changed. I could no longer -- I could no longer just do the things I did before then. Everything just completely collapsed. The cascade of the latency effect just took over everything, my whole body, my hearing, my brain, my memory, my ability to breathe on my own. I can't breathe on my own. My heart and my brain don't send messages to each other anymore so I can't breathe on my own at night, so I lose more brain matter.

All of these things happened after the seizure because it took seven years for it to actually come to the point where the bomb that was going off, ticking for seven years, finally went off. And I didn't even know I had a

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11:00 A.M.

seizure. I just passed out on the floor. And when I passed out on the floor, that was -- that was -- everything happening as far as -- my body was telling me -- I've absorbed all of the injury and now my body collapsed, so --

REP. O'NEILL: Thank you.

KELLY ANDERSON: -- everything that had happened, it physically just deteriorated. And --

REP. O'NEILL: Okay. Thank you. Glenn, thank you.

REP. HOLDER-WINFIELD: Thank you.

Any other -- any other questions?

Thank you very much.

GLENN ANDERSON: Thank you.

REP. HOLDER-WINFIELD: Mary Sanders.

MARY SANDERS: I'm actually glad to sit through that because I never understood these statutes of limitations. And maybe that could be extended to include lead poisoning, because I'm just finding out that my 13-year-old grandson is being diagnosed with special needs for lead-poisoning hazardous child. So I thank them for their testimony and sharing that story.

Good evening. Let me get back on track. Senator Coleman someplace may be in the building listening to me, and distinguished members of the committee that are still here.

I am here to support Senate Bill 280 in hopes of repealing the death penalty. And at this time of the night, I have nothing new to tell you because you've heard all. My -- my

**JOINT
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**JUDICIARY
PART 10
3023 - 3355**

2012

Bill No. 365 – AN ACT CONCERNING THE STATUTE OF LIMITATIONS IN CARBON MONOXIDE POISONING CASES

HB 5394

Mr. Chairman Senator Coleman and members of the judicial committee:

My name is Glenn Anderson and I am from Durham. I am a constituent of Senator Meyer who is a member of the judicial committee, and I am here today to offer testimony in support of bill # 365.

On December 17, 2004 my wife Kelly Anderson was poisoned by carbon monoxide.

Carbon monoxide is a colorless, odorless, tasteless, toxic gas that prevents the organs within your body from being supplied with oxygen. When the brain is deprived of oxygen due to carbon monoxide poisoning, a chemical toxic reaction begins which causes the brain cells to die and the brain to atrophy. This process ignites a ticking time bomb, which will explode years later after your initial exposure to carbon monoxide, and will cause you to have numerous neurological (physical and psychological) medical problems. This is what has happened to my wife Kelly since she was poisoned by carbon monoxide.

I work from my home, so on a daily basis I am able to see how my wife Kelly struggles due to her severe physical brain damage which was caused by the latent effects of carbon monoxide poisoning. Kelly's brain no longer has the capability to retrieve new / old information in a timely manner since she has lost so much physical brain matter in the frontal, parietal and temporal lobes of her brain. This causes Kelly to forget tasks that she was in the process of performing which prevents her from completing the task. Kelly's brain still contains all of her intellect and memories from before the CO induced brain damage. This causes Kelly to become upset and frustrated while trying to perform tasks that she knows she has done before, but is now unable to do (problem solving, making decisions, remembering what she did 10 minutes ago) which then leads to panic attacks while trying to perform these normal daily tasks.

Kelly has also gone through a sleep study test, which showed that her ability to learn and build new memories has been negatively impacted since her brain no longer goes into sleep stages 3 and 4. There are four stages of sleep that people need to go through during the night, with stages 3 and 4 being the stages where your prior day experiences are moved and stored within the brain as memories. Sleep stages 3 and 4 are also the stages that allow you to wake up in the morning feeling refreshed. My wife Kelly sleeps over 12 hours per day and is still tired and feels physically weak when she wakes up due to not receiving sleep in stages 3 and 4.

My wife Kelly also experiences and suffers from night terror attacks. Kelly will wake up during the night screaming due to having an intense feeling of horror and fear, and she will sometimes see hallucinations. Kelly now needs to sleep with a CPAP oxygen

machine for the rest of her life, in order to try to prevent further brain damage and to try to have her brain go into sleep stages 3 and 4.

Kelly's health has plummeted drastically, due to brain damage which was induced by CO, which has caused her to feel heartbroken, because she has lost her independence and the quality of life that she previously enjoyed. All of Kelly's doctors have informed her that her brain damage is permanent and that Kelly will never regain the brain that she has lost. She wants to be the same Kelly that her family knew and loved before she was poisoned by CO. Regardless of how Kelly now feels about herself due to her medical problems, her husband and her family will always love her very much and will always be very proud of her forever.

I have witnessed firsthand, how my wife Kelly has felt victimized since finding out that the current Connecticut Statute of Limitations does not protect her, and does not take into account the latent effect of carbon monoxide poisoning. When Kelly was initially poisoned by CO seven years ago, she was told that she was okay and was lucky to be alive. Seven years later, Kelly had a shocking rude awakening when she was told that she was really not okay, due to the latent effects of CO poisoning which was diagnosed as the cause of her severe medical problems.

I wish to thank Senator Ed Meyer and members of the Connecticut Trial Lawyers association - President - John J. Kennedy Jr., Executive Director - Neil Ferstand and lobbyist Zeke - Jeff Zyjeski and everyone else involved on behalf of my wife Kelly, for their time and effort towards getting Bill 365 passed into law.

In conclusion, I urge you to please support and pass Bill 365 in order to make the law fair for the citizens of the State of Connecticut and allow them to seek restitution when they have been poisoned by carbon monoxide due to negligence and then find themselves suffering years later from the latent effects of this toxic gas. Please don't abandon my wife Kelly or anyone else that has been the unfortunate victim of CO poisoning due to negligence and leave them outside of the protection of the law.

There is another Bill 5394, which is also currently going through the legislative process, which would mandate the installation of carbon monoxide detectors in residential buildings. If Bill 5394 had been passed eight years ago into law, and the law had been enforced and obeyed, my wife Kelly may not have been poisoned by CO. It is always better to be proactive and prevent problems, but when being proactive fails, there needs to be a law in place that will protect the citizens of the State of Connecticut. Passing Bill 365 will provide that protection to all of citizens of the State of Connecticut if they unfortunately find themselves severely injured years later after being exposed to carbon monoxide due to negligence. I hope that in the future, no one will ever have to endure the pain of being permanently injured, as my wife Kelly has been.

Thank you.

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**PUBLIC
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presenters questions.

With that, just a couple of notices to the committee. We will meet next week, the 13th, probably at 11:00 o'clock. That's our usual time. What room I'm not sure. And then also on the 15th to bills that we have heard last week and bills that we are going to hear today.

So with that, just to let people know that if you see other legislators leave, they do have other responsibilities in other committees, and it's not that they're not interested. And I know that we have a number of bills before us on a number of a range of topics here today, so with that said, I'd like to start off with the state agency heads. And I think I have the Stamford delegation and/or Representative Gerry Fox that was leading that off. And I don't know if Representative Molgano is going to come up with you, if you can, and then offer that testimony together or however you want to do it I'm fine with.

REP. FOX: I think what we'll do is we'll just go in order, so I'll go first.

REP. DARGAN: Okay.

REP. FOX: Thank you, Mr. Chairman. And Senator Hartley, Representative Dargan and members of the Public Safety and Security Committee. For the record, my name is State Representative Gerald Fox, III, of the 146th District in Stamford. I would like to thank the committee for raising House Bill 5394, an Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings. I should also point out, as Chairman Dargan stated, Representative Michael Molgano is here from Stamford. Also,

I don't know if he's in the room yet, but Mayor Michael Pavia, as well as our public safety director, Ted Jankowski will be here. I'd also like to thank Chief Jay Fleming from Boston who will be testifying before this committee later, and he is available to answer a number of the questions you may have regarding the Massachusetts legislation and how that has worked.

You have my written testimony, but I would like to paraphrase it and to simply state that it has long been recognized that properly installed and maintained smoke detectors and carbon monoxide detectors save lives. In 2005 the General Assembly recognized that detectors promote safety of the people of our state by passing Public Act 05-161. This act required that carbon monoxide detectors and warning equipment be installed in new residential buildings, but it accepted private dwellings occupied by one or two families. What this bill would do is it would take out that exception and require that smoke detectors and carbon monoxide detectors be placed in all residential dwellings, and what it will do is allow -- bring additional awareness to the importance of smoke and carbon monoxide detectors, and it will provide warning so that people can vacate their homes when they're faced with dangerous situations.

I thank the committee for raising this important legislation and your continued efforts to advance public safety. Thank you for the opportunity to testify, and I'm happy to answer any questions.

REP. DARGAN: Thank you Representative Fox.

Questions from committee members? Just one.

lw/mb/gbr PUBLIC SAFETY AND SECURITY 11:00 A.M.
COMMITTEE

I know that they'll be a number of speakers from Stamford, and I know that the legislation -- proposed legislation before us is from that disastrous fire during the holiday season and we appreciate you coming forward to give testimony today, Representative Fox.

REP. FOX: Thank you very much. Are there any questions?

REP. DARGAN: You get lucky, Representative Fox, because they know that you're the cochair of judiciary and they might have some bills before you so --

REP. FOX: I'm happy to answer anything.

REP. DARGAN: I know that the way -- the sign-up, I just want to try to get Representative Fox and then Representative Molgano and then I'll go to Commissioner Rehmer. So if I could get Representative Molgano up.

REP. FOX: Sure. And if I could just point out, I recognize -- I think there's going to be some testimony regarding the types of smoke detectors and the types of technology that others would recommend, and I'm perfectly open and I'm sure other members of the delegation are open to discussing that as we move forward in trying to produce the best goal that we can here. So thank you and I'll --

REP. DARGAN: I appreciate that.

REP. FOX: Thank you.

REP. DARGAN: Representative Molgano.

REP. MOLGANO: Good morning, honorable co-chairs,

Senator Hartley, Representative Dargan, honorable vice chairs, Senator Daily and Representative Jutila, ranking members Senator Guglielmo and Representative Giegler and members of the Public Safety and Security Committee. Thank you for allowing me the opportunity to testify on Raised Bill Number 5394, AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS AND ALARMS IN RESIDENTIAL BUILDINGS.

Stamford Connecticut has been forever changed by the heartbreaking tragedy that occurred this past Christmas. The lethal inferno that took the young lives of ten-year-old Lily Badger, seven-year-old twins, Grace and Sarah Badger, and the lives of their maternal grandparents, Lomer and Pauline Johnson, continue to grieve our city and the courageous members of the Stamford Fire and Rescue Department who did everything humanly possible to save Lily, Grace, Sarah, Lomer and Pauline. On behalf of the City of Stamford, I want to thank Chief Antonio Conte who's here with us, our men and women of the Stamford Fire and Rescue Department, and the men and women of our volunteer fire departments who put their lives in harm's way every day to protect the lives of the citizens of Stamford. And I want to thank you, chief --

House Bill 5394 provides critical and life savings measures that will prevent tragedies like the one in Stamford on Christmas morning 2011. With this bill the fire safety code will provide for reasonable safety from fire and smoke in all buildings, including private dwellings, the provision for carbon monoxide detection and warning equipment in all residential buildings, and the provision for smoke detection and warning equipment in all

residential buildings. The bill makes clear that any residential building occupied by one or more families that holds a certificate of occupancy prior to October 1, 1985, may use battery powered smoke detention and warning equipment. The bill also requires smoke detention and warning equipment of a type or technology approved by the state fire marshal. The bill further adds a certificate of occupancy will not be issued for a residential building unless the fire marshal or building official certifies the building is equipped with smoke detention and warning equipment and it's not exempt under the regulations carbon monoxide detection and warning equipment. The new regulations for issuing a CO will commence immediately upon the date the section of the bill containing these regulations goes into effect.

Finally, H.B. 5394 adds a new section charging the commissioner of construction services to adopt regulations effective October 1, 2012, that will amend the 2003 international residential code portion of the state building code requiring the installation of smoke detection and warning equipment and carbon monoxide detection and warning equipment in a dwelling whenever work to a dwelling requires a permit and the dwelling will be occupied during such permitted construction.

The difference between a home containing working smoke detectors and warning equipment and working carbon monoxide detectors and warning equipment and a home that does not contain these critical and lifesaving measures can mean the difference between life and death. H.B. 5394 is the necessary tool to ensuring there will never be a dwelling that does not contain these lifesaving measures,

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and I urge the Public Safety and Security Committee to please move for passage of this bill. Thank you for your time and attention.

REP. DARGAN: Thank you, representative. Questions from committee members? Representative Kirkley-Bey.

REP. KIRKLEY-BEY: Thank you. Just a question. Would these carbon monoxide detectors be best on the first floor and near a garage or somewhere else located in the home?

REP. MOLGANO: I will save that for the experts here, but I would think you should have one on every floor and at least one near the furnace, but I will save that for those who are experts on this.

REP. KIRKLEY-BEY: Okay, thank you.

REP. DARGAN: Representative Yaccarino.

REP. YACCARINO: Thank you, Mr. Chair. Hello, Mike, and thanks for your testimony. Just one quick question. Would this apply to apartments, two-story apartments, three-story apartments or just single dwelling homes?

REP. MOLGANO: I believe both.

REP. YACCARINO: It makes sense. I'm just -- both or all?

REP. MOLGANO: All.

REP. YACCARINO: Thank you. Thank you, Mr. Chair.

REP. DARGAN: Thank you. Further questions? Hearing none, thank you very much for your testimony.

REP. KINER: I believe so.

REP. YACCARINO: That's all I had to ask. Thank you.

REP. DARGAN: Further questions from committee members? Hearing none, thank you very much for your testimony.

REP. KINER: Thank you, Mr. Chairman.

REP. DARGAN: The next presenter is Representative Dan Fox. I don't know if he's here. I don't see him. The next presenter is Mayor Pavia, City of Stamford. If you could just, for our information, just the other gentlemen there with you so we can get you on record?

MICHAEL PAVIA: Yes. The gentleman to my right is the director of Public Safety Health and Welfare for the City of Stamford, Ted Jankowski, and the gentleman to my left is Antonio Conte, chief of Stamford Fire and Rescue.

REP. DARGAN: So you got him off the waiver since Bobby Valentine is back in the major leagues now?

MICHAEL PAVIA: Absolutely. And he can pitch too so. Thank you.

REP. DARGAN: Thank you, mayor. Go ahead.

MICHAEL PAVIA: Senator Dargan and distinguished members of the Public Safety and Security Committee, my name is Michael Pavia, and I am the mayor of the City of Stamford. I'm here today to respectfully urge you to support House Bill 5394, AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS AND ALARMS IN

RESIDENTIAL BUILDINGS.

On Christmas morning, December 25, 2011, I experienced a tragedy that no other mayor or elected official should ever have to experience in the State of Connecticut or anywhere in the United States. Helplessly I saw the devastating effects that fire could have on an entire family. At approximately 4:52 in the morning a frantic phone call was made to our 911 emergency center, quote, there's a huge fire at a house next door to us. The whole house is on fire. There's three kids and a woman, end quote. The fire was so far advanced that when our Stamford Fire and Rescue firefighters arrived on the scene it was consuming the entire house. Firefighters made a brave and valiant effort to try and rescue the three young children and their grandparents, but there was nothing anyone can do. The early morning fire claimed the lives of three young children, Lily Badger, age nine, Grace Badger, age seven, and Sarah Badger, age seven. This was the most tragic Christmas in the history of the City of Stamford. The three young Badger girls and their grandparents were unable to escape the effects of the fire, the heat and the smoke. The family did not have enough warning to exit the building. As time went on and as the fire went unnoticed, the fire grew in intensity and spread. It consumed the entire house before that call for help came. Every year in the United States 3,000 people die in home fires. Most of these deaths occur in homes that do not have early detection systems.

According to the National Fire Protection Association, almost 2,000 -- sorry, two-thirds of home fire deaths result from fires in properties in buildings without working smoke

detection. A working alarm significantly increases an individual's chance of survival. A properly installed and maintained smoke alarm is the only thing that the home has that can alert individuals and families, and they work 24 hours a day, 7 days a week.

Carbon monoxide detectors are as important as smoke detectors. Every year in the United States more than 100 people die from accidental carbon monoxide poisoning. We in Connecticut recently experienced a similar tragedy after the October snowstorm where people lost their lives to carbon monoxide poisoning. There were no functioning carbon monoxide detectors present in that situation. Whether individuals are awake or asleep, properly working smoke and carbon monoxide detectors are needed in all residential buildings. They provide warning of dangerous conditions to provide for a safe escape and the timely notification of emergency response. The victims in Stamford, Connecticut had died in the horrific Christmas fire, and those victims that died from carbon monoxide poisoning in Connecticut did not have early warning enough to exit the building.

As mayor of the City of Stamford, I appeal to you in the name of public safety and security please don't let the deaths of Lily Badger or her twin sisters Sarah or Grace or their grandparents Lomer and Pauline Johnson to be in vain. I respectfully urge your support for House Bill 5394, AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS AND ALARMS IN RESIDENTIAL BUILDINGS. And I further submit that I do understand that there are several issues regarding implementation, regarding the application, regarding the overall administration, and I trust that those issues

can be worked out in a timely fashion so that smoke detection and carbon monoxide detection will be provided in as many residential homes in Connecticut as we can possibly do. Thank you very much.

REP. DARGAN: Thank you, mayor. Is there other presenters that would like to present then we'll take any questions.

THADDEUS JANKOWSKI: Representative Dargan and distinguished members of the Public Safety and Security Committee, my name is Thaddeus Jankowski, and I am the director of public safety health and welfare for the City of Stamford. My professional experience and background encompasses over 23 years of fire service and safety experience with the New York City Fire Department. I'm here today to respectfully urge your support for H.B. 5394, AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS AND ALARMS IN RESIDENTIAL BUILDINGS.

In my 23 years of firefighting and safety experience, I have seen many needless deaths related to fire and carbon monoxide poisoning. I have experienced firsthand the importance of having properly functioning smoke and carbon monoxide detectors and alarms in residential buildings. Most fire victims die from smoke inhalation or toxic gases and not from burns. Fire statistics over the last five years have averaged 376,000 residential building fires, 2,600 civilian fire deaths at approximately 13,000 civilian fire injuries. Many fire deaths occur during the hours when people are sleeping. Contrary to popular belief, the smell of smoke may not wake a sleeping person. The poisonous gases and smoke produced by a fire can numb the senses and put the individual into a deeper sleep, therefore,

early smoke detection and warning is critical.

Almost all households in in the U.S. have at least one smoke detector, but most fire deaths occur in home fires that don't have working smoke alarms. To depict how fast a fire grows in intensity and the need for early detection, I'm utilizing the National Institute of Standards and Technology NIST, March 1996 test. NIST timed fire growth in a 12 foot by 8 foot high living room furnished with a sofa, a love seat, end table, lamp and carpeting. The stages of fire growth are: The incipient stage, which is the beginning stage; the growth stage; the fully developed stage; and the decay stage, which we are not going to discuss here. In this test direct flame was used, however, many fires smolder and the incipient stage lasts for a longer duration of time. As the fire progresses from the incipient stage into and through the growth stage, the fire increases in its intensity. It becomes more precarious to exit a fire safely. In this fire test they used direct flame to ignite the sofa. The smoke detector activated in less than 40 seconds approximately during the incipient stage of the fire. Smoldering fires have been attributed to more fires involving death. In a smoldering fire a photoelectric smoke detector is more effective and is more likely to alert occupants in time to escape.

As seen in the above slides, the time it took for the fire to progress from the incipient to the fully developed stage when all combustible materials have been ignited was only three minutes. The fully developed stage is the hottest stage of a fire and is the most dangerous for any person trapped within. During this test there was approximately a

mere two-and-a-half minute window of opportunity from when the smoke detector activated to when an individual could potentially safely exit the fire building. Again, this test utilized direct flame, and the test was performed in the room of origin. In an actual residential house fire once a fire leaves the room of origin, it begins spreading throughout the house making it more difficult to exit from adjacent areas. There are no guarantees during a fire, but a properly installed and maintained smoke alarm provides early detection and warning that significantly increases the opportunity to safely exit a residential building fire.

Carbon monoxide detectors are as important to home safety as are smoke detectors. Carbon monoxide is a clear odorless and insidious poison that is responsible for hundreds of inadvertent and preventable deaths in the United States each year. Carbon monoxide is a silent killer that is virtually undetectable without detection technology. Carbon Monoxide detectors sound an alarm when exposure to carbon monoxide reaches potentially hazardous levels. Properly working carbon monoxide detectors provide for early warning before the deadly gas builds up to a dangerous level.

Though smoke and carbon monoxide detectors and alarms are currently required in all new residential buildings, fire and carbon monoxide acts the same in older residential as well as new residential buildings and must be detected early. As a director of public safety health and welfare for the City of Stamford and a fire service professional with over 23 years of experience, I appeal to you in the name of public safety and security to mandate that all residential buildings be

required to have properly working smoke and carbon monoxide detectors and alarms. I respectfully urge your support for H.B. 5394, AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS AND ALARMS IN RESIDENTIAL BUILDINGS.

REP. DARGAN: Thank you. Again, we do have written testimony from a number of presenters, so if you could not just actually read your whole testimony, but just to take some of the quick points out, it will speed the process up for us.

ANTHONY CONTE: Good morning, Representative Dargan, distinguished members of the Public Safety and Security Committee, my name is Anthony Conte, and I am the fire chief for the Stamford Fire Rescue Department for which I have served the last 38 years. I am here today to respectfully urge your support for Raised Bill 5394, AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS AND ALARMS IN RESIDENTIAL BUILDINGS.

Throughout my career starting as a fire firefighter in 1974, I've witnessed many tragedies, the latest and I must say one of the saddest occurred this past Christmas. At 4:52 a.m. on Christmas morning 2011, the Stamford Emergency Communications, our 911 center, received a call that the house next door to the caller was on fire. She stated it was a huge fire and there were three kids and a mother. The caller had been awakened by the screams of Ms. Badger, not the fire itself. While our units were en route, three more frantic 911 calls were received, once again reporting trapped children. The house was a large two-and-a-half story victorian built around the turn of the century and was under construction at the time of the fire.

Stamford Fire Rescue Engine 4 was the first unit to arrive and reported heavy fire showing from the first floor of a two-and-a-half story house. Mrs. Badger was trapped on the front porch roof screaming to police, "Save my children. My whole life is in there." The crew went to rescue the mother. She was frantically screaming that her trapped children were on the third floor. The crew immediately ascended the scaffolding from the porch roof to the third floor that was exposed to high heat and choking smoke exiting from the first and second floors in an effort to make a rescue. The captain entered the third floor window and only after a few feet was driven out by high heat and flames. The heat was so intense that this fully equipped and protected officer received second degree burns to his face. Even so, he and his crew made a second attempt to reach the trapped children. Additional fire units arrived on the scene and immediately tried to make entry into a fully involved structure. Some units were attempting rescues while others were trying to advance hose lines to protect the victims and the rescuers from the quickly advancing and extremely hot fire. The rescue captain, while attempting to conduct a search of the first floor, radioed to the incident commander that the fire and smoke conditions were extremely heavy and parts of the house had already collapsed. The rescue captain along with his crew attempted another search, this time on the second floor, when he felt the floor shift in a different direction from the walls indicating a collapse of the structure may be imminent.

The incident commander with the full knowledge of the five trapped occupants to include the

three children was forced to make a most dreadful decision, remove all firefighters from the inside of the structure calculating that the danger to firefighters from the heavy fire that it had taken hold of the whole house and deteriorating structural conditions with signs of imminent collapse was too great to continue and the viability of the victims had sadly already past from the extreme hot and smokey conditions.

The fire was then extinguished allowing the crews to more safely turn their attention to the grim task of searching for and removing the bodies from a building that was no longer sound. The effects of this horrific fire will be felt by the Badger and Johnson families forever. This horrific fire has reverberated through my department. The screams and pleas of the mother to rescue her family, the site of the house being totally consumed, and all fighting efforts just not being enough to save the three children and their grandparents, will haunt Stamford Firefighters' thoughts forever. Christmas will never be the same.

As chief of the Stamford Fire and Rescue Department and the name of fire safety, I appeal to you not to allow this to happen to anyone else. I urge you to support House Bill 5934, AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS AND ALARMS IN RESIDENTIAL BUILDINGS. A smoke detector is necessary to notify the occupants in case of fire. There is no way to assure smoke detectors will be functioning in every home that catches fire, but it is my professional opinion as the chief of the Stamford Fire and Rescue Department that this bill goes a long way to end that. I thank you for your time and anticipated support.

REP. DARGAN: Thank you, chief. Thank you presenters.

Representative Adinolfi.

REP. ADINOLFI: Thank you. Just a question for you. I don't know whether it's fact or fiction, but listening to the news on the fire that occurred down in Stamford, it was said that there was a lot of reconstruction going on in the house and remodeling and that all the fire detectors and carbon monoxide detectors had been removed and put in the garage during the reconstruction. I don't know whether that's true or not, but however, I think that is something that might be amended into this bill that even while repairs are going on they shall not be removed. And I also thought for the protection of the people working on the building even -- of course it says in here when a building is completed they shall not get a permit to enter the building, you know, to use the building unless all these fire detectors and carbon monoxide detectors are in place. But I would believe that once the building is enclosed, under construction, there's a lot of people in there with torches and stuff doing plumbing and stuff and you're very apt to have a fire in there and have workers working in other areas that could be affected. So my suggestion would be to make sure we have fire detectors even in there earlier. Thank you.

REP. DARGAN: Further questions? Comments?

Representative Kirkley-Bey followed by Representative Davis.

REP. KIRKLEY-BEY: I just had a question. In

magazines you're starting to see the ladders that you buy you put on for the second floor, individuals would have them as a safety measure, would you recommend that as well as the carbon monoxide?

ANTHONY CONTE: Yes, ma'am, I would. I have three grandchildren, and those ladders are in all their rooms.

REP. KIRKLEY-BEY: Thank you.

REP. DARGAN: Representative Davis.

REP. DAVIS: Thank you, Mr. Chairman, and thank you, Mr. Mayor, and the chief and the director for coming here today. I just had a question. What would be the benefits of having the CO detector in a home that perhaps uses electric heat or something along those lines where you don't necessarily have a situation where the furnace or something else could create the CO and it's perhaps detached from a garage so you're not getting CO coming in from the garage when people are warming up their cars, what would be the benefit of requiring that type of home to have a CO detector?

ANTHONY CONTE: Are you saying the garage is unattached from the house?

REP. DAVIS: Yes, it's detached from the house.

ANTHONY CONTE: Well, any fire regardless of size creates carbon monoxide. So you could have a small waste paper basket fire and you're going to get CO levels coming off. It may not be much of a fire, but it may be enough CO that can do the harm.

REP. DAVIS: So in many circumstances this CO

detector may be able to detect before the smoke detector does, or is it a situation where usually the smoke detector would go off beforehand?

THADDEUS JANKOWSKI: No, a carbon monoxide detector is not a smoke detector. Smoke detectors detect smoke and it will provide a warning. Carbon monoxide detectors, they detect carbon monoxide and only carbon monoxide. So it won't give you early warning. It's not an early warning system to have you be warned to get out in the event of a fire, but it will notify you of carbon monoxide. So as a fire progresses through the stages, there will be high levels of carbon monoxide, but carbon monoxide is definitely not used as a warning for smoke and for fire.

REP. DAVIS: So in those situations where there is parts of the building that would perhaps produce CO and it's detached from a car -- the CO detector being mandated on that kind of residence is solely as just a secondary protection mechanism rather than something that would be able to detect CO in most cases, is that safe to say that it's basically we'd be mandating it but it provides very little assistance in doing anything other than in case of a fire and causing the CO?

THADDEUS JANKOWSKI: Yes.

REP. DAVIS: Okay, thank you, Mr. Chairman.

REP. DARGAN: Further questions?

Chief, just one I have is is it a fair assumption to say that prior to 1987 with building codes and the fire walls that since 1987 with any new construction we haven't had

a loss of life within that new construction within our state and a number of issues have been with rehabilitation or not up to codes in house -- single-family housing units built prior to 1987?

ANTHONY CONTE: Let me think for a minute. I would say that's a fair assumption. I would go along with that.

REP. DARGAN: So some of the things that the fire service -- majority of issues that the fire safety community has put forward since 1987 has really helped cut down the loss of lives and property within our state. So I think that what the three of you have spoke to us it's a very important bill that we -- this committee and the legislature needs to look at to save the loss of lives within our state.

ANTHONY CONTE: Yes. I might add that the Connecticut Life Safety Code 101 is probably one of the -- is probably the model code for the country. It's probably the most stringent as it stands and it has saved many lives.

REP. DARGAN: I appreciate the three of you coming here today to give us some knowledge of what happened in Stamford. And before I let you go, is there any other questions from committee members? Hearing none, thank you very much for coming forward.

The next presenter is since we're past that 11:10 when we started that first hour, we will now go back and forth on the list between people that signed up, legislators and agency heads, and go to the general public and/or lobbyists, and the first speaker on that is John Harwood.

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interstate, secondary, municipal? I mean, is there any kind of breakdown that shows --

ANTHONY SALVATORE: I believe I think it is in the report, but the Department of Transportation should be able to get that for you.

SENATOR HARTLEY: Great. So thank you. And if we could ask our OLR staff to try to search that out, the breakdown of the statistics on interstate, limited access and municipal roads, what the fatalities are, for example, is it spiked on highways versus, you know, the other two, or is it more local high incidence?

ANTHONY SALVATORE: I'm not familiar, Senator. All I know is that all fatalities are in fact reported in the data collected by the Connecticut Department of Transportation.

SENATOR HARTLEY: Thank you for bringing that up. Thank you.

REP. DARGAN: Thank you. Further questions from committee members?

Thank you, chief and chief, for coming to testify. The next presenter is Tom Sri from Kidde.

THOMAS SRI: Good afternoon. Thank you, co-chairs for having me. My name is Tom Sri. I'm here on behalf of Kidde Residential and Commercial, which is part of UTC Climate Controls and Security based in Farmington, Connecticut.

I would appreciate the opportunity to offer our support to House Bill 5394, AN ACT CONCERNING CARBON MONOXIDE ALARMS AND SMOKE ALARMS. We are here here to provide support specifically regarding the extension of the

carbon monoxide protection requirements to citizens in this state.

Kidde is a manufacturer, the leading manufacturer of smoke and carbon monoxide alarms. As you have already heard today, carbon monoxide is a very deadly poisonous gas. You cannot see, smell or taste carbon monoxide. There are several potential sources in your homes, our homes. That could be everything from a water heater to a gas dryer to a stove, to what 85 percent of Connecticut homes rely on fossil fuel based heating. So you have common sources very much prevalent in Connecticut homes. It's important to note that because that's the source, that's where carbon monoxide comes from, when it is improperly vented or malfunctions this is where our carbon monoxide incidents occur. There are in this country 36 laws and requirements that are to require carbon monoxide alarms. Over half of those are extended to existing homes. And I will tell you that the experience of those laws is that those laws do save lives. Where these laws have been enacted they have seen a dramatic increase, over 95 percent increase, in detection of carbon monoxide incidents, but at the same time they've seen a dramatic decrease in the amount of injuries and deaths in these jurisdictions versus those who don't have such laws. And of course, you all saw that in the storms in the 2001 year where carbon monoxide was certainly prevalent.

I'm also here to speak on behalf of a smoke alarm portion of the law or the bill that is being proposed. As I stated, Kidde does manufacture smoke detection. We wanted to provide a technical concern that we've identified with the bill, specifically

relative to the type of smoke detection that would be approved or allowed to consumers. Specifically in Section 1(a)(2), as written, would only allow consumers to use photoelectric type smoke alarms or smoke alarm technologies that are approved by the State Fire Marshal. At Kidde we manufacture several different types of smoke alarms that use a variety of smoke sensing technologies. This includes photoelectric, this includes ionization, this includes a dual sensor which combines those two technologies. We also have recently our intelligent alarm which combines a carbon monoxide sensor with an ionization sensor. The reason for my telling you that is regardless of the type of smoke sensing technology that we put in the alarms, they all have to pass the same identical test, (UL)217, in order to obtain third-party listing certification.

Section 1(a)(2) of House Bill 5394 would be a move away from the performance based approach and could impose a prohibition on innovative technologies that could today and in the future benefit Connecticut's consumers. The risk of naming a specific technology is that -- the risk of naming technologies that are acceptable is that any new product that incorporates a prohibited technology would not be available to Connecticut residents even if such product met those performance standards. We would therefore ask that an amendment possibly be considered to House Bill 5394, which would not name specific smoke sensing technologies but instead recognize nationally recognized performance based standards. I thank you for the opportunity to speak to this bill, and thank you for your commitment to fire safety.

SENATOR HARTLEY: Okay. So hopefully we're making good positive realistic changes. But with regard to advertisement of paying cash, let me just say let the word go forth that there will be some real eyes watching that, and so I hope that the message gets out there because that is one flagrant activity right now in view of trying to go forward and make this a very strong piece of legislation for customers and also merchants alike. Thank you.

THOMAS SWEENEY: I will be delighted to relay the concerns of the committee on that.

SENATOR HARTLEY: Because I'm going to communicate with them. Thank you.

REP. DARGAN: Thank you. Further questions from committee members? Hearing none, thank you, chief, for your testimony.

THOMAS SWEENEY: Thank you.

REP. DARGAN: The next presenter is Ron Farr followed by Representative Kelvin Roldan.

RONALD FARR: Good afternoon and greetings to the members of the committee. My name is Ronald Farr. I'm an employee of Underwriters Laboratory in Chicago. We are a global testing and approval agency that lists smoke alarms that have been talked about here today. I am speaking on behalf of House Bill 5394.

A little bit about my background so you understand why I'm here. I am from the State of Michigan speaking here as a UL employee. We are based out of Northbrook, Illinois. My background includes a little over 43 years in the fire service, a vast majority of it spent

in fire prevention code enforcement moving up to the rank of deputy chief and then chief of a fire department in Kalamazoo area. From there I was employed as the state fire marshal in the State of Michigan just prior to UL reaching out to me and bringing me on board as their specialist dealing with outreach programs for the fire service across the U.S. territory.

Fire is a concern for all of us. Statistics show that we will be impacted negatively by at least two significant fires during our lifetime. We may also see some smaller ones that may go unreported to the fire service, but we would handle them internally within our homes. If a fire occurs, early warning is critical for us to know about. We're not always in visual contact when a fire does start. Subsequently we rely heavily on the notification of a fire within our residential occupancies and other buildings that we may be in with the use of smoke alarms and other smoke detecting devices, fire detecting devices.

With respect to smoke alarms itself, you heard Mr. Sri talk earlier. Not to be redundant with what his statements were, but I do support his comments, there are two primary types of fires that we would deal with, for example, in a residential occupancy. We find the quick burning fire, open flame fire, possibly from paper products that have caught on fire or kitchen fires, grease on top of the stove that begins to burn, or we could ultimately see a slow smoldering fire, for example, from furniture products within our home that would produce large amounts of smoke, toxic gases and build from that point.

On behalf of UL we are the agency that has UL standard 217 and UL standard 268. UL standard 217 -- if I said 16, I'm sorry -- UL standard 217 has more than 40 plus performance criteria that have to be met before a smoke alarm can be in fact listed by our company and provided for sale to the general public. All of the different aspects of the listing process itself recognize functionality of the unit, alarming devices within the unit, sensitivity of the unit, the different types of smoke particles, recognizing that UL standard 217 does in fact look at both photoelectric and ionization alarms. I caution you very much not to be focusing specifically on photoelectric in your piece of legislation that you've offered but to recognize the fact that there are other types of alarms that are out there and also the possibility of future technology that does come before you that you ultimately would like to make use of in effect to protect the citizens of this state.

I applaud you for supporting the use of smoke alarms in residential occupancies and recognize the importance of them. If you ask me what type of smoke alarms do I have in my home, I have both ionization and photoelectric, and they are interconnected so that I can tell what's happening throughout the entire house should an event occur. I can make the necessary escape or members of my family can make the necessary escape. Working smoke alarms within your residential occupancies will increase your chances of survival. Again, I support you and applaud you very much for moving forward with smoke alarm requirements, and I ask that you potentially look at, if I could, an amendment to your document that would go in 1a-2, pretty much what Mr. Sri suggested, and put in the

verbiage on line 6, about four words in, that would read, Tested and certified pursuant to the requirements of the American National Standards Institute or ANSI Standards Institute, and Underwriters Laboratory as set forth in either ANSI slash UL 217 or ANSI slash UL 268 or successor standards by a nationally recognized testing laboratory. Ladies and gentlemen, thank you very much.

REP. DARGAN: Any substitute language that you have, if you could just get it to our clerk, that would be helpful for us.

RONALD FARR: I will get that, yes.

REP. DARGAN: Thank you. Questions from committee members? Thank you, chief, for coming to testify. Thank you so much.

RONALD FARR: Thank you.

REP. DARGAN: Our next presenter is Representative Kelvin Roldan. Kelvin, thank you very much for your testimony.

Any questions from committee members?

REP. DARGAN: Kelvin, I get one a hearing, and you're the one.

KELVIN ROLDAN: It's so great to see you too. Chairman Dargan, Chairman Hartley, members of the committee, thank you for the opportunity to come before you. Joining me to my right is Margarita Torres.

I'm here to testify in strong support of the S.B. 337, AN ACT CONCERNING THE SILVER ALERT. Last year some of you may have heard the story of Aaron Torres. The reason this bill is

BRENDA BERGERON: Absolutely. It's Brenda Bergeron. I'm the attorney for the Division of Emergency Management and Homeland Security in the Department of Emergency Services and Public Protection.

SENATOR HARTLEY: Thank you. So again help me out. Is this the Governor's bill?

BRENDA BERGERON: This one that's before you right now?

SENATOR HARTLEY: Yes, yes.

BRENDA BERGERON: No, I believe it might be Senator Perillo's bill -- Representative Perillo.

SENATOR HARTLEY: Representative Perillo. Okay. So without this bill there is nothing that we're going to lose because we are already doing these things?

BRENDA BERGERON: Correct.

SENATOR HARTLEY: Okay, thanks very much. I appreciate that, and I appreciate Senator Witkos' questions. If there are no further comments, thanks for being with us. And we will invite Deputy Chief Smith from Stamford.

BILLY SMITH: Good afternoon. Senator Hartley, Representative Dargan and distinguished members of the Public Safety and Security Committee, my name is Billy Smith. I'm a deputy fire chief with the Stamford Fire Department. My professional experience and background extends over 35 years of fire service and safety experience with the Stamford Fire and Rescue Department. I've been a chief officer for 19 years.

HB5394

I'm here today to respectfully urge your support for House Bill 5394, AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS AND ALARMS IN RESIDENTIAL BUILDINGS. I've worked hand in hand with our fire marshals division, and I have a representative with me, Assistant Fire Marshal Bob Salido, who's been a fire marshal for 17 years. He's been the lead investigator in over 300 fires and certainly assisted in many others. A lot of those we call them "jobs" were mine.

These incidents have occurred in just about every type of occupancy that we have characterized in the Connecticut Fire Code. I have seen firsthand the value of having smoke detection devices installed in residential living areas. I can easily estimate that hundreds of people have escaped harrowing situations because of smoke and carbon monoxide detectors. We will never see newspaper articles written about the survivors because their smoke detectors worked. Most house fire deaths occur because victims do not know their building is on fire until it is too late to escape. Either they become trapped or they are overwhelmed quickly by smoke and carbon monoxide poisoning.

When fires occur at night many people either wake up when it is too late or they do not wake up at all. They die in their sleep from hypoxia and carbon monoxide poisoning.

The effects of carbon monoxide poisoning can drastically affect the person's ability to save themselves from the emergent situation. Some of the symptoms of carbon monoxide poisoning are exhaustion and fatigue, reduced muscle coordination and balance leading to instability when walking, involuntary muscle

twitching and jerking, tremors, headaches, irregular heartbeat, difficulty processing visual information, where did I leave the front door, for example, particularly faster moving images, spotty and/or blurred vision, difficulty hearing, hearing high pitched noises, muscle joint pain and cramping. I don't know if you can imagine having these deficiencies and trying to work your way to safety through an already deteriorating and disorienting scene of smoke and heat and fire.

The largest percentage of fire deaths in the home occurs at night while people are asleep, therefore, a working smoke and carbon monoxide alarm can provide an early warning that can make the difference between life and death. According to studies published by the National Fire Protection Association, having a smoke alarm cuts your risk of dying in a fire by nearly half with some studies indicating decreases of over 85 percent. Almost three-quarters of the reported home structure fires and 84 percent of the fatal home fires injuries occurred in one or two-family homes. Almost two-thirds of the fire deaths resulted from fires in homes without working smoke detectors.

Moreover, smoke alarms can prove to be a very cost effective intervention. One study showed that for every one dollar spent on smoke alarms, you have a savings of \$28 of health-related expenditures on burn care and other fire-related injuries. In the past five years Connecticut has lost approximately 95 persons due to fire-related injuries. If we applied the national percentages which states approximately two-thirds of all fire deaths occur in homes without smoke detectors, we could estimate that approximately 60 percent

died in Connecticut residences that had no smoke detection devices installed. If each of these homes had functioning smoke detectors, these same percentages would indicate that an additional 30 lives could have been saved.

In conclusion, we must acknowledge that in life things happen, the winds blow, materials deteriorate and actions, stuff occur. Sometimes the confluence of nocuous events and conditions can synergize to create the greatest of all tragedies. You have it within your influence to help neutralize the chaos. I refer to fires as moving train wrecks that resulted in the deaths of five innocent people this past Christmas Day. This act will not bring them back, but it will make their sacrifice stand for something. With your help their loss can result in the saving of the life of another innocent victim. Our belief is that the type of early warning device should be within the approval of the Connecticut State Fire Marshal's Department.

One thing I'd like to add. I'm going to relate a story that occurred on Christmas morning. I was the incident commander for the Shippan Avenue fire. We were toned out on a routine call to the south end of Stamford, 275 Greenwich Avenue. And the way the call came in, the person on the second floor stated they heard an alarm sounding for 40 minutes in the apartment below them. Our reaction at 4:00 o'clock in the morning was, why did you wait so long to call, and their statement to the dispatcher was, "The people are home, we see their car, but they're not doing anything to make the alarm stop." So we investigated this call. And it's a large tenement building in our south end and our crews went through the entire building. And I'm sitting in the

command car outside and they radioed to me that, chief, we hear the alarm sounding, there's no fire, 2 company, which is my south end company, can finish this call, you can free up the other units. So the other units, myself included, turn around and we start heading back to fire headquarters, and before I even cleared the front of the building my lieutenant starts chuckling over the radio and says, "We found it." So I'm kind of nosey, I want to know what it is. And he says, "It's a smoke alarm wrapped up as a Christmas gift underneath the Christmas tree." So we had a laugh out of that. And immediately after that we get toned out to the fatal Christmas fire. So we started Christmas morning with a chuckle and we ended up in tears. The point I would like to make is that a wrapped up gift underneath the Christmas tree sounded loud enough to wake up the people that lived on the second floor. And there was no fire. It was a malfunctioning new smoke detector. And I firmly believe that the tragedy that I commanded and was part of would not have happened had there been early warning devices in that house. I think that we would have seen the people in that family standing out on the front lawn instead of us trying to desperately reach, search and rescue them. That's my story for the morning -- afternoon. Any questions I'd be glad to entertain them.

SENATOR HARTLEY: Well, first of all, thank you for being here and for your testimony. And of course every time we hear this story it's a very chilling story to hear, especially with regard to the children and the grandparents who lived in the neighboring town of mine as well.

Are there questions or comments from any

members. Yes, Senator?

SENATOR WITKOS: Thank you, Madam Chair, just one. The bill changes the type of warning equipment from capable of sensing visible or invisible smoke particles to a photoelectric type where any technology approved by state fire marshal by regulation. Are you aware are there any products on the market now that are being sold in Connecticut that would not fall within that category?

BILLY SMITH: I don't know the answer to that. I know that our hope is that the Connecticut State Fire Marshal's office would -- and I know they do -- stay up with technology. They would have a recommendation as to the proper device. And we don't want to specify because technology changes. And we're not in the business of promoting one manufacturer over another. And I just -- I know I have the confidence in our State Fire Marshal's office to recommend the correct device as technology improves. We don't want to specifically say take this or take that.

SENATOR WITKOS: Products seem to come from the west to the east, and I'm wondering if it's approved by a national fire protection --

BILLY SMITH: NFPA has recommendations, UL has recommendations.

SENATOR WITKOS: Do you routinely adopt those as okay in Connecticut?

BILLY SMITH: I think that that would be our hope that as technology improves our State's Fire Marshal's office in conjunction with NFPA and UL would say, okay, this was really good in 2012, but it's now 2013 and technology has

moved on. I mean, an analogy if you can remember back when VCRs first came out. I was a VCR fanatic. I wanted the best technology because I enjoyed movies, and you could go broke buying a new VCR as the technology changed every nine months. So I don't foresee the smoke detector business changing like the VCR business did. You know, there's some great technology now where you've got batteries that last ten years. It kind of takes the steam out of our change your batteries, change your clocks, but we're still going to use that analogy. It's a good message. The kids love it.

SENATOR WITKOS: Thank you.

SENATOR HARTLEY: Thank you, Chief. Thank you, Senator Witkos. Yes, Representative Kirkley-Bey.

REP. KIRKLEY-BEY: I don't know if you know the answer to this question, but when we introduced the legislation to put in carbon monoxide detectors for new bills, you know, new homes and construction that was going on, do you have any idea how many people may have died from carbon monoxide poisoning?

BILLY SMITH: I don't have a statistic for that. I have a colleague that's here from the Boston Fire Department, and he is way more knowledgeable than me. And that's why we asked him to come to a neighboring state and shed some light.

Chief, do you know that?

JAY FLEMING: I don't know that number in Connecticut. And way down in Massachusetts because we're mandating carbon monoxide

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(inaudible).

BILLY SMITH: We can find out.

REPRESENTATIVE KIRKLEY-BEY: Thank you.

SENATOR HARTLEY: And Deputy Chief Fleming is going to testify, are you, sir?

JAY FLEMING: Yes.

SENATOR HARTLEY: Thanks very much. Senator Frantz.

SENATOR FRANTZ: Good afternoon, Senator Hartley and Senator Guglielmo and other members of the Public Safety Committee. My name is Scott Frantz, Thirty-sixth Senate District which includes half of Stamford. You've been listening to all the details here today about the tragic fire that took place in another part of the City of Stamford. It's not in my district, but as far as I am concerned it really doesn't matter because this is an incident so tragic that it affected the entire city, the entire State of Connecticut, and I would venture to say the entire nation as well because of its horrific end result and also the fact that it was broadcast throughout the entire country.

I'll start by saying I'm probably the last person to be looking for extra regulations, statutes, rules, et cetera, to further complicate our lives. I think that we already have 40 or 50,000 of those here in the State of Connecticut that in theory control our lives, many of which we are exposed to, many of which we're not exposed to until we do something wrong. But this one I think is such low hanging fruit in terms of the concept.

It's the best insurance policy -- this is in favor of House Bill 5394, the same one that was referred to in the previous testimony -- it's an incredibly cheap insurance policy. For \$10, maybe \$11 on average on line in one day's time you can have a smoke detector. For that \$16 or \$17 you can have a CO detector FedExed or shipped to you or you can run down to the local grocery store and get one of these devices and put it into your residence or your apartment and know that you are going to be warned well in advance of a fire or a CO situation becoming untenable. As I'm sure you've heard from all of the first responders here today, time is of the essence. When you have a fire or a CO situation in your house you only may have 30 seconds, but an extra three or four seconds can make all the difference in terms of being able to make it down the stairway that may be about to catch on fire, maybe the walls, that you need to open a window that's contained in that wall, is about to fall. Seconds literally matter. And these things you've all heard them go off, you know, when the batteries start to die they start going off and it takes you forever to find out where they are so you can change the darn battery, but they're loud. And the newer ones come with batteries that will last ten years, and these are in the \$10, \$11 versions. Kidde and others make these devices.

So I was shocked, not just surprised but shocked, to find out that Connecticut did not have any statute, rules or regulations and most municipalities didn't have anything remotely approaching the requirement of having to have a smoke detector or a CO detector in your home if you're one or two-family. Here we are today, you know, doing what government typically does which is acting retroactively.

We react instead of act proactively. That's by nature the way democracy is. Maybe it's a good thing to be not, but in this case it's not.

So I am testifying very much in favor of the concept of this bill. I know some things have to get worked out in terms of the technology. Your question earlier was a good one, what technology doesn't work if that is even the case and how do we actually enforce this, is it at more convenient times like when a home is sold or is it on a regular annual basis. Those things will be worked out. But to further prevent anything like this ever happening again I think this is a very very good bill conceptually and I stand in favor of it. Thank you.

SENATOR HARTLEY: Thank you, Senator Frantz. Are there questions or comments for the senator? Well, thanks for being with us, and I too have the same problem you do about mandates, but the overarching issue here is clearly public safety, and I think at the end of the day that prevails. Thanks for being with us.

SENATOR FRANTZ: Thank you, Senator, appreciate it.

SENATOR HARTLEY: We would like to now invite Deputy Chief Fleming who is with us today all the way from Boston, so we're very grateful to you and we'd love to get you out of here before rush hour.

JAY FLEMING: Well, I live on the south shore, so I don't think that's possible. I greatly appreciate the opportunity to testify and the invitation on behalf of the officials in Stamford. I guess some people know of me and they ask me to come because in some ways I'm a

bit unique. I have written a lot of legislation, but I've also enforced it. I was the longest serving fire marshal in the history of Boston, but I also have a couple of degrees in engineering and I actually serve on the UL 217 committee. So I'm sort of uniquely placed to answer any questions that you might have because a lot of times the devil is in the details and enforcement is often tricky. And I can show you how I've dealt with that and answer any questions you have regarding how we dealt with that in Massachusetts because we've had the law on the books for so long. I know that we've learned from your experience with casino legislation recently and so maybe you can learn from ours with the smoke detectors because it's insane to reinvent the wheel if it's already been done someplace else successfully and they have a lot of experience.

In my own case I've been on the fire department for 33 years and I've been a deputy chief for 18 and I was the fire marshal for eight in Boston. I also, as I said, have a couple of degrees in engineering and I've published several papers on smoke detector technology including several in peer review journals. So there's probably almost nothing you can ask that I may not have an opinion on even if you don't agree with me.

Massachusetts, I've testified before the legislatures in Vermont and Massachusetts and New Hampshire, and I wrote the resolution that was approved by the International Association of Firefighters regarding smoke detectors. So I've probably heard every possible question. So maybe you'll think of one I haven't heard before but hopefully you haven't.

I would like to just quickly answer a couple

of questions that were raised earlier. If the Stamford fire, which is a horrible tragedy, and I'm here on my own time, although I do represent the Boston Fire Department gave me permission to come, but I'm here on my own time because although I get paid to protect the people in Boston, I feel like I have a moral obligation if I have the opportunity to protect as many people as possible. The fire in Stamford was not only a tragedy, it was a preventable tragedy. If that house had existed in say I'll just use Boston, it's an older house, we have a lot of older houses in Boston, but since about 1980 we've acquired battery powered smoke detectors in all homes regardless of when they were constructed. But more importantly, we have certain enforcement mechanisms. I believe -- and this is all off the newspapers -- approximately a year before the fire the house was sold. In Massachusetts when you sell a house before you close on it you need a certificate from a local fire department that documents and certifies that you have properly working smoke detectors as required by the fire code. The important thing about that is it's not a proactive enforcement. It's like -- and I don't know if you have a primary or secondary enforcement for seat belts. You know, quite often states will have a secondary enforcement, so you don't go out and arrest people for not wearing their seat belt, but if there was another violation, they are supposed to check. And that's a convenient way to check smoke detectors. So as a firefighter in the early eighties I remembered knocking on people's doors, but that's extremely labor intensive and very difficult to do as economies have cut back on staffing. So this house in Boston would have been inspected at the time of the sale to make sure it had working smoke

detectors. Then when the renovation occurred the building official, at least in Boston, would have checked before the renovation started to make sure that they had the smoke detectors. That would have given officials a second opportunity by actions triggered by the occupants to check the status of smoke detectors. And then, of course, they would have upgraded to the current code, probably it sounds like they were doing substantial renovation. During the renovation in Boston we require if you are going to have to -- for occupied buildings, you are required if you are going to alter the existing fire protection systems, whether they be smoke detectors or sprinklers, we ask for a document from a responsible person explaining how you're going to maintain equivalency during the extent of the renovation.

So what they could have done in Stamford is temporarily bagged the smoke detectors, you just cover them with a plastic bag, but we would have required a signature. If that was the technique they were using, we would have asked a responsible person to sign off that at the end of every day those bags would come off. The reason why people bag smoke detectors during renovation is because of the dust -- or I believe the news reports were paint -- they can trigger detectors. The solution to that is you bag them during the day during the construction activities, but we require someone to take responsibility for taking the bags off at night when people need them and typically when they're sleeping.

So there was a couple other questions regarding the CO. In general I'm here in favor of the legislation. I'll answer any questions you have to a great extent meet the

intent of the Massachusetts legislation. And when we mandated CO detectors in Massachusetts we did require them in occupancies that burn fossil fuels. So I think there was a question earlier about what if you only had electrical and you didn't have any source, then you wouldn't need them. So you could adjust the legislation for the realities -- that's a very valid question. You could adjust that.

One of the things I would recommend is that, and if you're going to be looking at the laws in Connecticut around smoke detectors, you, for example, look at the laws in the building code -- I wrote the ones in Massachusetts -- regarding upgrades during renovation. Quite often it's difficult unless -- there by building codes around the country about what level of renovation triggers upgrades. That's a very important question and a very unfair one to leave at the discretion of the local building official with no guidance because I could have a different opinion than the guy in the next town over. In Massachusetts if you add a bedroom to a residential house you have to upgrade the smoke detectors throughout the house. The reason being the building code requires in Massachusetts a hard wired smoke detector in that bedroom, but it doesn't really work unless it's interconnected to the ones in the common area. So if you add a bedroom in Massachusetts you're required to upgrade the entire house. The other language we have is if the extent of the renovation facilitates the installation of the item, so if you're doing substantial renovation to the point where you can run the wiring through the house, we would make you upgrade. So I just throw that out there as an aside. It's not mentioned in the legislation, but it's something to consider. So I believe that if

Connecticut had laws similar somewhat differently to Massachusetts but similar, the tragedy in Stamford you would have had multiple opportunities to prevent that from happening. And an easy enforcement without being too aggressive because particularly as a legislature you know it's always a balance between overenforcement and interfering with people's rights on their own private property, but this is such a tiny inconvenience that it is one of the rare exceptions to where government has the authority to say go into, you know, a person's home or their castle and mandate something retroactively. It's been done in many states. And although I understand the philosophy and to a great extent agree with that, I think this is one of the classic exceptions and such an inexpensive and reasonable thing to do.

SENATOR HARTLEY: Thank you.

CHIEF FLEMING: Any questions? And I'll be working with Stamford until this legislation is finished. So if you think of a question six months from now and you get it to them, I'd be able to answer it, but I'll answer any you have today.

SENATOR HARTLEY: Thank you very much. It's very instructive testimony.

Chairman Dargan.

REP. DARGAN: Chief Fleming, I heard in your testimony that you have an opinion about a number of things. So I just wanted to ask you what's your opinion about middle relief and closers this year for the Boston Red Sox.

CHIEF FLEMING: I tend to be a disappointed

Patriot's fan. I am worried about the Red Sox this year. I wasn't sure where the dividing line was in Connecticut between the Red Sox and the Yankees, so I wasn't prepared to answer that question.

REP. DARGAN: I just ask you that too as myself and Representative Clemons as former firefighters, you know, we like to banter a lot. So on behalf of the committee we really appreciate you taking the time and effort to come down here today to educate us.

SENATOR HARTLEY: Thank you, Mr. Chair. Representative Rovero to be followed by Representative Clemons.

REP. ROVERO: Thank you, Madam Chairman. Chief Fleming, I like your ideas on how you dealt with remodeling and so forth and all the safeguards you have. Is Boston taking anything or are they doing anything for the person that has a smoke detector, the battery sets it off because the battery is too old, take the battery out and now their smoke detector sits on the top of a bureau or something like that and nobody puts a battery in for six or eight months or a year later, is there any safeguard where you do reinspections or anything like that in Boston?

JAY FLEMING: There are a couple that are convenient. And I worked with the Greater Boston Real Estate Board. It doesn't -- this particular mechanism doesn't work in single-family homes because you sort of have to trust the owner to want to protect their own life, but in rental property what we recommend and what the Greater Boston Real Estate Board recommends now that they put it into the lease because there's often a

contentious point who is responsible for that smoke detector, the landlord or the tenant. Now quite often we assume the landlord, but what we found in Boston was when tenants had an issue with their landlord, they often just take the battery out of the smoke detector so they stop paying rent because you don't have to pay rent when there's a code violation which didn't seem fair to me even as a fire chief. So one of the things we worked with the building department, and this is critical that the fire officials work with the building officials, I actually took the fire prevention division out of fire headquarters and moved it to the building department. That's how strongly I feel about the interaction and how working together is the best way to go. But what we instruct the landlords, and it was worked into the legislation for the new CO requirements in Massachusetts, to clarify the regulation. And both the tenants' organizations and the landlords like this. We require that the landlord certify at the beginning of a lease that a working smoke detector is operational with a fresh battery or CO detector and then annually thereafter the landlord has to check to make sure that the detector was working with a fresh battery. The tenant is responsible in the intervening time period. Now, that seemed to be a good balance between the two because it protects -- it's a good protection for the landlord because a lot of times they get sued, you know, they put a battery in and three years later it's not there, they get sued. It happens all the time. So this gave them some protection, and they like to be inside the tenant's unit once a year. By the same token, the tenants' associations liked it because it gave the tenants a new battery once a year. So that seemed to be one mechanism. In terms

of people disabling the detectors, since 1998 Massachusetts -- I love this legislation -- has mandated, for example, photoelectric detectors within 20 feet of a kitchen or bathroom. And the NFPA has somewhat similar language, and I believe Maine has that language, Vermont has similar language and Connecticut -- I mean, California which just finished a big task group is going to adopt similar language. I work with that committee. So, we find that -- there were several public health studies which I will provide to Stamford and they can provide to the committee. UL, because it's difficult to develop one, does not have a nuisance screening mechanism.

So they have a lot of tests, but screening out the potential for nuisance alarms isn't one of them. And so any smoke detector sold in the United States that passes that requirement some might be more susceptible to nuisance alarms than others and several public health studies seem to indicate -- well, that would indicate they show that even when an ionization has that silence button on it, that the photoelectrics are disabled at a rate four to five times less often than the ionization. So if your concern is that people are disabling them too often, then one of the solutions is to go with photoelectric and even the manufacturers sometimes agree with that. That's why I believe the chief was absolutely correct that you want to reserve the right for the Connecticut State Fire Marshal to possibly specify limitations on some type of technology without limiting the potential for new technology. That can be done. Several states have done it. And if you notice, both the representatives I believe from underwriter laboratories and NFPA did specify that in

their own home they have certain technology as opposed to others, if I'm not mistaken.

So, you may want to write that into the legislation that Connecticut retain the right as Massachusetts, Vermont, Maine, soon to be California, I believe, and Iowa have done that because of the inability to test for certain things or the failure of the UL test to test for some other things that you may want to keep that option open. So there are mechanisms you can do. And if you have any specific questions again, I'll work with Stamford about that as well because that is an ongoing problem.

REP ROVERO: Thank you, chief, and thank you, Madam Chairman.

SENATOR HARTLEY: Thank you, Representative Rovero. Representative Clemons.

REP. CLEMONS: Thank you, Madam Chair. Good afternoon, Chief. For the record, I'm from Bridgeport. I am a Yankee fan for the record, for the record.

But on a serious note, in regards to smoke -- excuse me, carbon monoxide detectors, I represent a district that has a lot of older victorian two-and-a-half stories wood frame structures. We try to educate folks on the importance of smoke detectors, but we're lacking behind in terms of carbon monoxide detectors. Could you -- for edification purposes, could you elaborate on some of the origins or the causes of carbon monoxide poisoning?

JAY FLEMING: The law in Massachusetts for carbon monoxide was passed after a little girl died

during a blizzard, quite often, the snow had built up and blocked the exhaust vent and so unfortunately she didn't have a carbon monoxide detector. And as in this particular case, fire safety officials have to take advantage of the attention paid to an issue after a fatality to try to get -- you guys have a million things on your plate, and it's difficult to balance the needs of all society.

One of the things that's important if you were going to mandate -- in my opinion, one of the things that's important if you were going to mandate this retroactively is that some type of mechanism be put in place to provide them to people who have difficulty affording them. Now, if you're a landlord you can afford them and many other people can afford them, but there is a segment in society that has difficulty with that. And we developed a program while I was fire marshal with say the elderly commission. Boston has a fantastic program where they do wellness visits to the elderly, and we incorporated a fire prevention inspection as part of that wellness visit. And any elderly person who gets this visit, if they're missing a smoke detector, we follow up the next day with a fire inspector who installs it. And so it is critical that in areas like Bridgeport or poor areas of Boston that that be a component that that not be overlooked. Now Stamford has taken aggressive steps to actually get donations and give them out. In terms of carbon monoxide, we require them. As was mentioned earlier, it's not critical to have it in the garage. It's critical to have it in the sleeping area. I believe the NFPA had mentioned that. So in Massachusetts we require them one per habitable level. And they do make smoke detectors that come with both. You could have

a smoke and CO built into one for the convenience. But I have in my house I have eight photoelectric detectors and three of them are the combination photoelectric CO along with the connected and hard wired. So the fire fatality problem is larger than the CO problem, but the CO problem is so easily fixed with such short money that it should also be addressed at the same time because sometimes they can be addressed by the same product.

So, I don't know if you do it through grants or you apply for grants through the U.S. Fire Administration, oftentimes that will do that, or you get donations. But the issue of the small but still significant percentage of the population that may not be able to afford a retroactive mandate, even though they're relatively inexpensive, it would be nice if somehow that could be addressed.

REP. CLEMONS: As a follow-up -- thank you, Madam Chair. As a follow-up though could you articulate some of the other causes and origins? I know you mentioned a stove, but could you mention for folks that don't know what other causes or origins for the carbon?

JAY FLEMING: The CO deaths in residential occupancies typically occur from two sources, either the burning of fossil fuels, the furnace in the basement, or the car in the garage. Those are really the two main sources. It would be extremely rare for a fireplace to have a broken flue, although it could happen with a house filled up with carbon monoxide, but the main are a malfunctioning furnace or a car in the garage that might be attached to the house. If you don't -- that's why Massachusetts if you don't

have either of those, then you don't need CO detectors. If you don't have a garage attached to the house or if you don't have fossil burning fuels, you don't need CO. So that was just a -- it just made sense to do it that way. So those are the two main causes in residential occupancies. And it's difficult to predict. It's impossible to predict. That's why it's recommended just have the CO detector so that when it happens you're aware of it because it's not something you notice. As was testified to earlier, it tends to put you to sleep, it tends to affect your judgment, so you're not aware of it.

The other thing I want to mention, one of the things, I always have to caution people, fires do not occur like you see on television. I've run out of there twice in burning buildings looking for people during search and rescue before we had bells and whistles that alerted us that our gear was running low, and I had to evacuate through extremely difficult conditions and I cannot tell you -- I mean, I've been in a lot of fires, but once you're blinded by the smoke, it's choking, it's irritating to the eyes, and there are limits. It's not heat. You could just be stopped moving from the smoke. And so you think that, oh, TV, it's amazing to me people think, oh, I'm on the second floor, I'll be able to get out, I'll do this, I'll do that. I'm here to tell you that it only happens typically to everybody once in their life and when it does it's too late. So people vastly overestimate their ability to evacuate a burning building partly because of what they see on television, partly because we think, oh, well, you know, we can take care of ourselves. In fact, it's the rare exception, that's why we have equipment and we have self-contained breathing

apparatus, because no matter how many fires we're in, we can't stay in those environments without that equipment, and you folks don't have any in your house so you need smoke detectors to alert you before those conditions exist.

SENATOR HARTLEY: Thank you, Representative Clemons.

REP. CLEMONS: Thank you, Chief.

SENATOR HARTLEY: Questions? Yes. Representative Bacchiochi.

REP. BACCHIOCHI: Thank you, Madam Chair. I'm interested in some of the details of how Massachusetts has enforced this, and you talked about when the homeowner sells their property. Now in Connecticut we have a property condition disclosure that's required at the transfer of property. Is that similar to what you do? Do you disclose it on a form?

JAY FLEMING: No, the way the law is written basically at the closing -- and again, the nice thing about this is we don't have to -- as a fire department we don't have to be aware of this. In Massachusetts you need a piece of paper at the closing from the local fire department that says your smoke detectors are there. So the real estate agents typically will take care of it. They contact us. They arrange the inspection, and we charge a fee. I think in Boston we charge \$25. Some communities might -- you charge something to be reimbursed for the expense of doing this, but the beautiful thing is, and I used to have five full-time people when real estate was going through the roof and there was a lot of sales, five full-time people and all they did

was smoke detector inspections for real estate closings. So the way that was enforced was and I just -- I just sold a house so you have to have that piece of paper; and if you don't, you can't do the closing.

REP. BACCHIOCHI: Is it a bank requirement though? Who actually says this closing can't take place if you don't have that?

JAY FLEMING: Well, once the law was passed, the banks didn't want the liability, so typically the bank will enforce it for us. And so all we do at the inspection we don't -- we're not at the closing. We don't pay attention to that, but the banks don't want the liability, so they became our enforcement agents. Well, anyone who's done a closing or a refinance you know there's a hundred pieces of paper you have to sign, so it's just one more. So it's not a real burden on them from a paperwork point of view.

REP. BACCHIOCHI: And going back, you mentioned about the renovations and the size and the extent of the renovation would determine if an inspection had to be done; was that correct?

JAY FLEMING: No, an upgrade. Any time you pull the permit you would get an inspection. So for example, if you had an existing house, say it was built in 1950, so it was before the law in Connecticut that required smoke detectors, in Massachusetts though it would be required, so when you pull the permit the building official would make sure that you have the battery powered smoke detectors that were required for all homes, but then depending on the level of the renovation, you would have to then upgrade to the current building code. So he would make sure you had the battery powered

detectors in place because that's what the fire code required, and then he may or may not make you install hard wired interconnected detectors depending upon the scope of the renovation. If you're just doing a bathroom fit out or kitchen cabinets, you probably wouldn't be required to install smoke detectors throughout the house, whereas -- but you would still be required to get that inspection to make sure that the battery powered ones were there. But if you were adding a bedroom or doing substantial renovation, then you would be required to upgrade for the current code which would be hard wired interconnected detectors.

REP. BACCHIOCHI: And if the homeowner were not to obtain the necessary -- or disagree with the decision that is made by the fire department that this is a large renovation versus a small one, do they have an appeal process or no?

JAY FLEMING: In Massachusetts that decision is made by the building official about substantial renovation, and any decision by the building official can be appealed to the board of appeals which is a lengthy process, but there's also like a quick short-term turnaround on smaller issues that you can just call the state building official and get an interpretation. But when we wrote the legislation we tried to provide guidance. It didn't just say substantial renovation. That's one of the problems when you just put that type language in without defining it. We actually defined it as when the upgrade -- when the requirement that's being -- when the upgrade that's being required is small in scope in terms of expense and when the renovation facilitates it, then you're required to do it. So for example, in

Massachusetts because in new construction we require sprinklers in three families or more, so there's been a lot of substantially renovated three deckers in Boston where I make them install sprinklers because they were doing gut rehabs. Typically they're taking an old rundown three decker and turn it into three brand new condominiums. So sometimes I even get sprinklers in existing homes that are substantially renovated, but that's because they're doing a gut rehab. When you think about it, if you don't have any walls or ceilings, it's just as easy to install sprinklers in that house as if it was new construction. And typically they're spending a couple hundred thousand dollars so the sprinklers are a small percentage of the renovation so it kicks in. But you could be spending a lot of money on the three decker renovation, but it's not touching the walls and ceilings, you're not facilitating the installation of the piping in the walls, I don't make them do it, or rather the building official doesn't. When I say I wrote the legislation, I used to sit on the committee to help write the state building code when I was fire marshal. So that's why if -- that's sort of a separate bill, but you try to provide guidance within the legislation to limit the amount of disagreement.

REP. BACCHIOCHI: So the only two times you actually get into the homeowner's home in Massachusetts is during the sale or during an extensive renovation?

JAY FLEMING: During a permit application process. The only time -- remember, you could be doing a bathroom renovation with a permit. We're still entering the house. We're checking to make sure that the battery powered smokes are

there.

REP. BACCHIOCHI: So there's no fine system in place because the carrot and the stick would be either you put that in there the way we're requiring or we'll withhold your permit or the sale of your property?

JAY FLEMING: Well, if they didn't have the battery powered smoke detectors, then the permit could be withheld. Now, as a fire marshal in Boston I used to take a lot of people to court to install smoke detectors, but I never took a one or two-family, I never took an -- we would make them do it, but we wouldn't take them to court, we wouldn't fine them. But we used to take landlords to court all the time if they were absentee landlords and they weren't complying with the law. So, there was -- and then once we did that, we could fine them, but we didn't do that to one and two-family. I mean, all we're asking them to do is put \$50, \$60 worth of smoke detectors in. So it's not worth our while to go to court. But for a landlord, you know, who owns a few houses, then we used to take those people to court all the time.

REP. BACCHIOCHI: Okay. Madam Chair, one final question. The state statutes in Mass, do they include anything about the smoke detector issue being part of the lease or is that optional?

JAY FLEMING: No, no. It is for the carbon monoxide law, it isn't for the smoke detector law, which might sound odd, but when they were starting from scratch with the CO law and I was able to get that language in there, whereas the smoke detector law was existing and, you know, once it's in place it's

difficult to amend it. So that language is in place for the CO law. And we have worked with the Greater Boston Real Estate Board to get it in many leases, but that's optional, but it's smart for them, and so most of them do that.

REP. BACCHIOCHI: So with your expertise would it make sense, in your opinion, for the legislature to include within the statutory framework the smoke detector and the carbon monoxide detector in leases?

JAY FLEMING: Yes, and I think you'll find that, first of all, the tenants won't complain because they're getting protection, but I think you'll even find that the real estate landlord groups won't complain because to a great extent it protects them from those law suits and, you know, it protects them from tenants disabling the detector. You know, if I put it up and then five minutes after I leave they take it down, then I can't really be blamed for that, but if there was a fire the next day, they'd probably be sued for not working. Do you see what I mean? So I think you'll find the tenants and landlords can agree on that. Keep in mind that the most common reason for tenants to disable the detector is nuisance alarms in the kitchen, as was testified to earlier, and so in Massachusetts that's why in both the fire and the building code now we require full electricians near kitchens so --

REP. BACCHIOCHI: Thank you for the information. It's very helpful. Thank you, Madam Chair.

JAY FLEMING: And I provided copies of these regulations and legislation to the Stamford Fire Department, so hopefully they'll be of use, and if there's any other thing I can

provide them I will.

SENATOR HARTLEY: And if you have copies that you could leave with or share or forward to the committee --

JAY FLEMING: I didn't bring them, but I will make sure that to Stamford that everything is provided to the committee.

SENATOR HARTLEY: Representative Yaccarino has a question.

REP. YACCARINO: Thank you, Madam Chair. Thank you, Chief Fleming for your expertise and testimony. One question, for an existing homeowner of 30, 40 years that was not transferred, do you inspect those homes, and how do you know if they have the CO or the smoke detectors?

JAY FLEMING: It's an excellent question. In Massachusetts, like I said earlier, when I was a firefighter when the law was originally passed in the eighties we used to knock on everyone's doors and we kept track and we tried to knock, but once that was done we haven't gone back. So we don't do that on a regular basis. You're absolutely correct, if there's an existing home that doesn't pull a permit, that doesn't do a renovation, that doesn't get sold, you have to rely on the owners to sort of protect themselves. But to a certain extent that's not an unreasonable thing to do. But you're right in that situation.

REP. YACCARINO: With the \$25 fee does any of that money go toward a campaign for smoke detectors, CO detectors?

JAY FLEMING: No, the money will go to the local fire department. Now, if they choose to spend that on a campaign they can, but typically that fee might just go to cover the cost of the inspection because in many states, I don't know about Connecticut, the cost of an inspection is supposed to just cover the cost of the inspection and not the say indirect tax for other purposes.

REP. YACCARINO: Right.

JAY FLEMING: But in Massachusetts. I don't know about Connecticut.

REP. YACCARINO: I just wasn't sure if they would take any of those funds for just a campaign once a year, you know, informative campaign.

JAY FLEMING: But public education is key. I know when Massachusetts passed the CO law we weren't knocking on people's doors like we did in Boston back in the eighties, but there was an extensive public education campaign and so you have to sort of -- for the one and two-family homes you sort of have to rely on that. There's just no way around it.

REP. YACCARINO: Thank you very much.

SENATOR HARTLEY: Thank you, Representative Yaccarino. Yes.

REP. DAVIS: Thank you Madam Chairman, thank you Chief for coming all the way down here to Hartford today. I just had a quick question. That legislation in Massachusetts is statewide, correct?

JAY FLEMING: Yes.

REP. DAVIS: It covers the entire state. And I represent two towns that have volunteer fire departments where they don't get paid to serve on the fire department. So my question is in the enforcement side of things you were talking about you went door to door and you knocked on people's doors, and then you also had five people on staff that enforced it on the permit applications. I was just wondering how other towns within the State of Massachusetts have handled the enforcement side, ones that have volunteer fire departments and how do they handle doing the enforcement?

JAY FLEMING: That's a very good question which I can't answer today but I will find out. I know I -- although I work in Boston, I live in a town that's part paid and part call and some volunteers, so I appreciate the efforts of the volunteers since they protect my family. There's a mechanism that's been put in place, I'm sure, in those communities. I'll have to find that out for you. I know that those towns that have a building official quite often they'll sort of delegate to that person some of that responsibility because even though you may have a volunteer fire department every town I believe has a -- even if it's a part time -- someone to issue building permits. And so sometimes they'll work out an arrangement between the chief and the building official to sort of do that double duty.

REP. DAVIS: Now, is that in the statutory language that that would be the case, or is it a situation where it's mandated that the fire department in some of its role and the fire marshal within the town is the one that has to do the enforcement and then they happen to

farm it out --

JAY FLEMING: I'll double check. I know that in Massachusetts almost all the laws regarding -- in the fire prevention code they delegate the enforcement provisions to the head of the local fire department. So even in a volunteer town there is an official head of the local fire department and within that -- I mean, as the head of the local fire department, I could delegate it to one of my inspectors, and I suppose I could delegate it to a building official as well. I don't think there's any limitation on that, but I will find out the answer to that question. That's why I brought the pad of paper.

REP. DAVIS: Thank you very much, Chief. It's been very informative today. Thanks. Thank you, Madam Chairman.

SENATOR HARTLEY: Thank you, Representative Davis. One quick question. We really do appreciate your time here today, chief. When these changes were made in Massachusetts, was there a result within fire departments where they needed more staff and in order to do the things that they're doing without even going door to door or doing the enforcement, but just by virtue of having to issue the certificate in real estate transactions?

JAY FLEMING: In the major cities like Boston even if you add -- typically the cost of the inspection covers the cost of the inspector. So in major cities like Hartford or Boston typically you can work it within your existing staff. In the smaller departments, let's say in my town like Norwell where it doesn't come up that often, they'll actually have the fire truck go out and do the inspection. So there

may only be one or two closings a week, and so it's not that difficult for a small town that might not have a full-time fire prevention division. So each town sort of works out the specifics in their own case. One of the things that like does it cause excessive calls, we do go to a lot more carbon monoxide calls than we used to, but it hasn't been to the point that it's so many that it affects our efficiency as a fire department. And in very very few, although there's a lot of nuisance alarms on smoke detectors -- you probably all have them in your own house when you burn toast or dinner. I don't mean to imply anyone isn't a good cook, but I often do that -- but they never call the fire department in those circumstances. So typically the only time you're getting a response from the fire department to a nuisance smoke detector call is like a high rise building where it gets in the hallway and those happen now. So you tend not to see an increase in runs, and in terms of increased staffing, as long as you're not knocking on people's doors like we did back in the eighties, which we don't do now, then really it's not so labor intensive that it can't be absorbed with the current staffing.

SENATOR HARTLEY: Thank you. And so on the CO detectors then there must be recommendations in terms of the square footage that they cover so that you put them, you know, in a boiler room or you put them in the sleeping areas, what is the general --

JAY FLEMING: It's every habitable level. In Massachusetts we've also added language where we want them within ten feet of every bedroom door. There's studies, which I can provide, regarding the audibility of detectors from a

closed bedroom door. And so there was a story earlier where the person on the second floor heard the smoke detector, but a sleeping person needs, the studies seem to indicate, I won't go into the details except quickly, you need about 70 decibels to wake up. A smoke detector is designed to give 85 decibels within ten feet. If you have a closed bedroom door, it takes ten decibels away. If you lose another ten because your bed is at the other end of the room, you could have the possibility that you wouldn't hear the smoke detector because your bedroom door was closed. So there's no other requirement in Massachusetts other than one per level and then possibly additional ones for audibility issues.

Regarding smoke detectors, Massachusetts was the first in the country and in some cases we're still the only one, we require multiple smoke detectors on one level if the square footage of the level exceeds a certain area. Because as smoke travels a certain distance, it may go off too late. So for smoke detectors we have spacing limitations. For CO we don't, but we do have that requirement regarding the audibility.

SENATOR HARTLEY: Thank you, sir. Are there further questions? Yes, Representative Dargan.

REP. DARGAN: Just in closing, Chief. I know probably when you started on the job you went to your local smoke house, they probably didn't have Scott air packs back there, and you probably ate a lot of smoke like a lot of firefighters did back in those days, and it just shows the amount of new technology that's out there, not only for the protection of

firefighters but protection of residents within their own homes. So I, once again, on behalf of the committee, we appreciate taking your own personal time to come down here today.

JAY FLEMING: Well, I have to again commend the legislature for considering it in Stamford. You know, these type tragedies occur all over the country. Not every local official or local town or state representatives from that area take the time to submit legislation, and so Stamford really and you guys for considering it deserves a lot of credit for putting this forward because in many other communities that doesn't happen. Tragedies occur and then they're forgotten until the next tragedy occurs. So anything I can do to help, I'd be pleased to do so.

SENATOR HARTLEY: Senator Daily.

SENATOR DAILY: Thank you, Chief. I wanted to -- well, thank you for coming, but I'll tell the committee my sister Kathleen just sold a house in Dorchester and bought another house in Dorchester, and this is no problem. It's a very good faith --

JAY FLEMING: Once the real estate agents get used to it, it's like falling off a log. Once they get used to it. That's always the tricky part is to get used to it. Once they get used to it, no one even notices. It's just part of life. But because of a lot of property changes hands, and so it's a very effective way of getting into existing homes at a convenient time. And if they do have to install them, you have to assume that if they're selling the house and they're already paying a real estate fee, they probably have

the money to install \$50, \$60 worth of smoke detectors.

SENATOR DAILY: Kathleen did have to install them in the house that she was buying. That wasn't a problem. It's not a whole lot of money when you're changing houses. And I am very impressed with what a great safety device it was.

JAY FLEMING: Well, I grew up in Dorchester, and that's the part of the city that I currently am in charge of. I'm in charge of the southern half of the city when I go to work. So have her give me a call if she has any questions, but I have to tell her she's very well protected in that part of the city by the Boston Fire Department.

SENATOR DAILY: I doubt that she will be calling you with questions, but then I know you're responsible for my family's safety.

SENATOR HARTLEY: Thank you. Are there further questions? We really have taken a lot of your time, and I'm so grateful for you for being here, and if you can share those drafts or the proposals that you have and forward them to the committee clerk that would be really helpful.

JAY FLEMING: I will. And I didn't realize until I was on 84 that I had to submit something in writing. I'll work on that tonight or tomorrow and get it to the committee.

SENATOR HARTLEY: Yes. Thank you so much. And if I could, I saw Representative Lesser here but -- there he is, yes.

REP. LESSER: Thank you, Senator Hartley,

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actually a boxing fan, but it's more regulated than boxing and we already deal with the casinos and really it's a revenue for the state and it's an entertainment, so I think it's time for it.

REP. LESSER: Terrific. Thank you. Thank you, Representative.

SENATOR HARTLEY: Thank you. If there are no other questions, thanks for being here again, Representative Lesser, and for your patience in waiting. We'd like to now invite Bill Ethier.

BILL ETHIER: Thank you, Senator Hartley and members of the Public Safety and Security Committee. My name is Bill Ethier. I'm with the Home Builders Association of Connecticut. Our 1,000 small business members build about between 70 and 80 percent of all the new housing in the state.

I've submitted written testimony on two bills. I'm going to try to quickly summarize both. The first one is Senate Bill 323. You heard one person testify on this earlier dealing with licensing crane operators. As you heard, this is a response to new Federal OSHA regulations that came out I believe last year. The bill that you have before you closely tracks the federal regulations but not exactly, and there are some minor exceptions and one major exception which is the reason that we're here today. The major exception is under the Federal OSHA regs, the Federal OSHA regs allow four different ways to comply with those regs. Your bill here 323 would require operator licensing. That's only one of the four ways of compliance. And what we're suggesting, and we've offered some language in

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our testimony, is to allow operators and employers of the covered cranes to comply with the Federal OSHA regs in one of the other three ways in addition to licensing. So that's what we've offered, and that's what we urge you to consider.

The other bill is we've heard a lot today about. I've submitted written testimony on the smoke and CO detector bill 5394. And I want to say at the outset that we as an organization strongly support the mandate in all homes, including one and two-family homes, for CO and smoke detectors. The reason we're here is just not in the way that the bill is drafted. We urge you to look at, and we've outlined in our written testimony, how the language of the current bill before you would create huge conflicts in construction codes and how one and two-family homes are possibly built. Right now we have to comply with the state building code and specifically for one and two-family International Residential Code. The state fire safety code that the statute amends does not apply to one and two-family homes because the state building code in the IRC contains all the equivalent fire safety features. By exempting one and two-family from the state fire safety code, you're now creating a system where we have two books that conflict with how to build a home or remodel a home. So we just urge you to look at that. What we have offered and attached to our testimony is a substitute bill, substitute language, that we believe tracks the Massachusetts model that you heard about that's just a simple straightforward mandate that all existing dwelling units, including one and two-family, have CO and smoke detectors. My proposal also looks at -- sort of outlines where they should be placed. For

non one and two-family larger residential we'd refer to the state fire safety code because there are placement requirements in that code that are applicable to those types of buildings. And so that's what we would offer to you. It's my understanding that the City of Stamford has looked at our proposal and they agree with it. Several legislators, including Representative Fox, Gerry Fox, has agreed with it. And the state building department, department of construction safety, we had a meeting yesterday and they liked our proposal as well. So I would offer that to you as a substitute. And I'd be happy to answer questions on either of these bills.

SENATOR HARTLEY: Thanks for being with us, Bill. Okay, so all those changes are included in your testimony, the written testimony?

BILL ETHIER: On the smoke detector bill?

SENATOR HARTLEY: Yes, 5394.

BILL ETHIER: Yes, I attached to my testimony a fully drafted substitute, it's a one-page substitute, that I believe tracks the Massachusetts model. There's also a section in there about contractors requirements when they go in and remodel homes what they have to do, they have to have with them temporary battery operated smoke and CO detection while they're in the process of renovating. And the last section also deals with the property condition disclosure report on property transfers. Our proposal probably doesn't go as far as the Massachusetts model to require the local fire marshal to certify and provide a piece of paper at closing but, you know, that could be changed to that as well, but we tried to address all the different elements of

the Massachusetts model but in a much more straightforward way that doesn't amend the state fire safety code the way the current bill was written that could cause a lot of confusion and conflict.

SENATOR HARTLEY: Okay, thanks for providing that to us. Questions from committee members?

Let's just go back to 323. So what are the other three means by which you might comply?

BILL ETHIER: Yes, we actually list those in our testimony at the very end, the very bottom of our testimony. It's one-page testimony. We're suggesting there are exceptions to licensing in the bill itself that begin on line 208, and there are five exceptions that are in the current bill. We're offering a sixth exception, and that basically says, persons who pursuant to the Federal OSHA regs one way is certified by an accredited crane operator testing organization or another way qualified by an audited employer program. So an employer can have their own training program in-house. It has to be audited pursuant to the Federal OSHA regs. And the third way is only -- it's one that doesn't apply to us. It's a military exception if you're a crane operator and you're an employee of the U.S. defense department you're accepted under the Federal OSHA regs. But certainly certified by an accredited testing organization or qualified by an audited employer program, according to Federal OSHA those are legitimate ways to comply with their regs, so we're offering that to you as well.

SENATOR HARTLEY: So who audits the employer program?

BILL ETHIER: There are requirements under the Federal OSHA reg about the audits. I can provide you a copy of the actual OSHA -- the specific OSHA regs on that, if you'd like. I can't recall it off the top of my head but, you know, reading federal regulations is probably the worst thing anyone could do. It's worse than reading state statutes and state agency regs, but I can provide a copy to you and it outlines the audit and who has to do them and all the requirements of the audited program.

SENATOR HARTLEY: Because we're trying to find out if these are feasible options and if in fact it becomes a fiscal note for say the Department of Public Safety and Protection, then that creates another issue.

BILL ETHIER: Well, these are private options, so it wouldn't impact state government at all. These are private employer audited programs, or the private employer or operator can be certified by an accredited crane operator testing organization. That would be a private organization that does these accreditations. I have heard comment from some, I'm not sure I would agree with it, that those two other private options are more expensive than the licensing option but, you know, so what. Let the employer decide which path of compliance they want to take, all of which are legitimate according to Federal OSHA.

SENATOR HARTLEY: So there is an audit organization that would be able to certify this, so to speak, that is not, for example, what would be a task of government?

BILL ETHIER: As far as I know that's true. I don't know if it's an organization or an

individual that has certain qualifications that comes into the employer's shop and does the audit of the employer's program, but according to Federal OSHA they have requirements for that. And I know, for example, on hoisting operation that are exempt from licensing, a lot of the smaller equipment that my members use, they have these types of programs where they have an outside source come in and do the testing and make sure that they have the appropriate training in place, and you don't have to interface with licensing and the Government.

SENATOR HARTLEY: Okay. So then if you could provide us some added information about what exists that would be able to do these so that we know that in fact they are viable options.

BILL ETHIER: I can certainly provide you about four or five pages of the OSHA regs that outline those different options for you.

SENATOR HARTLEY: And I guess what I'm looking for so in this state who then is prepared or qualified under this OSHA requirement to perform this?

BILL ETHIER: I don't know the answer to that. I will try to get that information, but I won't promise it because I don't know if I can get that information, but my point would be that if that doesn't exist and the only viable option is licensing, that's the choice the employer will make. But if the two private options are available and they decide that they're worth it that they want to spend the money for one of those private options, I don't know if they're available but if they are, why not follow the Federal OSHA requirements and allow those options to be

here as well.

SENATOR HARTLEY: I just want to know if they're real here. Thanks very much. Further comments or questions? Representative Yaccarino.

REP. YACCARINO: Thank you, Madam Chair. Thanks, Bill, for your testimony. Where would somebody get their license now? I obviously don't know where would you get your operator's license, State of Connecticut?

BILL ETHIER: Well, there is a current license structure. There's a crane license operating -- I'm not sure what they call it -- crane board section.

REP. YACCARINO: Obviously there's a certain criteria for the size of the machine?

BILL ETHIER: Yes.

REP. YACCARINO: Are there problems currently now? I mean, --

BILL ETHIER: Well, I don't know if there are problems now. Certainly there is, as somebody alluded to earlier, there are safety concerns, and that's why we have Federal OSHA requirements. And the OSHA requirements at the federal level are very specific on the size of the equipment, the type of equipment. The bill tracks that very closely. So OSHA really ratcheted up the equipment that's covered where you need to have either a license or one of these private options for compliance. So I think for the most part the bill is good because it's following the Federal OSHA requirements that every state has to comply with. It's just licensing is only

one of four ways to comply, and we're looking to put all four options on the table in the statute and let the private marketplace choose.

REP. YACCARINO: And you want just out of the four just pick one of the four? I mean --

BILL ETHIER: That would be up to the individual operator or employer. So that you could set up a -- you would have the licensing as an option. If somebody wanted to go through and apply for licensing, they're certainly free to do that, but if there's a nonlicensing option that's okay with the Federal OSHA, why not allow that option as well.

REP. YACCARINO: Thank you. I'm just trying to understand -- I mean, if there's like hours or usage as far as getting the license, you'd have to do so many hours.

BILL ETHIER: There's testing requirements. You have to be tested, absolutely.

REP. YACCARINO: Thank you for your time.

SENATOR HARTLEY: Thank you. Further questions? If not, thanks very much for being here today.

BILL ETHIER: Thank you.

SENATOR HARTLEY: We'd like to move on. Kevin Kowalski from the Connecticut Fire Marshals Association.

KEVIN KOWALSKI: Good afternoon, Senator Hartley, Representative Dargan and members of the Public Safety Security Committee. I'm here with -- my name is Kevin Kowalski. I represent the Connecticut Fire Marshals

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Association. I've been certified as a fire marshal since 1981 and worked here in this state inspecting buildings. I'm also here with John Yacovino who's the vice president of the Connecticut Fire Marshals Association. Hopefully any questions that come up on this testimony today we'll be able to answer. And he's also the deputy marshal in Meriden. I'm here today to speak on Senate Bill 320, AN ACT CONCERNING FIRE PREVENTION CODE REGULATIONS; 327 fire safety enforcement; and 5394, the smoke detector bill.

Senate Bill 320, AN ACT CONCERNING FIRE PREVENTION CODE REGULATIONS, we are in favor of this change. It's a very important change to us. Actually as I sit on the fire prevention committee, we've been tasked with developing a new set of codes that will affect fuel, fuel codes, fuel oil, gas, any special hazards that affect the citizens of Connecticut. And right now we're in the middle of the regulation review process, and unfortunately we anticipated that the regulation review process would be completed by now and it's not. So we were asking for an extension and that's what this is. The extension is actually requested to 2015, however, we really would like to have it, as it's stated in the bill, upon passage of the new regulation. We anticipate, and we very happily anticipate, that we will have for once an extremely modern code of 2012 actual code, a National Consensus Code, and that will be a product we will be really proud of. So we are certainly in favor of this bill here to extend it.

The next one is Senate Bill 327, AN ACT CONCERNING FIRE SAFETY OFFICIALS. We are very much against this bill. Right now the State

of Connecticut trains the fire official if the town is going to certify that person, and at which point they'll train it based on several standards which is already in the statute. They can use multiple different ways. The codes and standards and the State Fire Marshal can develop any standard they want to train that individual to be certified. Once they've done it, they give them a certificate and they send the certificate to the town and the town will then certify that individual as a fire marshal, deputy fire marshal and inspector or investigator.

What that does is that also limits the amount of workload that there will be on the Department of Education and Data Management because, as you know, back several years ago we required 90 hours of training for all these certified individuals, and right now these classes are very full for the certified individuals, and it ends up creating quite a workload. If the state allows it to certify they'll be able to certify anyone regardless of whether they're going to be in a municipality or not. So that could double, triple quadruple, there's really no limit on how many people that they can certify, so it will create a tremendous workload on the organization. And also it will take away the ability for the local town to certify their fire marshal or their deputy deputy fire marshal. It will be a state requirement.

And the last one is 5394, AN ACT CONCERNING SMOKE DETECTORS AND ALARMS IN RESIDENTIAL BUILDINGS. We're in support of this bill. It will enhance safety. Any time we talk about smoke detectors we want to support it. There's no question about it. As you know, the smoke detector bill has been in effect in

Connecticut at least since 1980 that I recall, and smoke detectors have been required in single-family homes since 1978. The problem that we see here is we grandfathered the houses that were built prior to 1978, and that's what we would like to see change. We would like to have that 1978 removed. At the time that we developed the smoke detector legislation back in the early eighties smoke detectors were going for \$100, 200, \$300, and, you know, they were all different types. There are different types of batteries. They cost a lot of money, and it was going to be a hardship for folks that had older buildings. So in this case right now we're seeing cost of smoke detectors between 10 and \$20, depending on the type that you purchase. We feel that that is not really a hardship for people to have. The people that are rentals the owners are responsible currently in the State of Connecticut for the installation and the proper operation of the smoke detector. There are cages available that could be put up on smoke detectors to make them, you know, so that they won't be tampered with, things of that nature. So there are measures out there that we have in effect. And in reality the fire marshal right now we'd like to keep the standard and that is that it is upon request by the owner or occupant or a complaint to the fire marshal. That's when we'll inspect a one or two-family building. And that's an important factor for us as far as workload is concerned. To go in and start doing 4,000 and 5,000 homes inspection wise would be pretty difficult. And I know that certain towns already provide smoke detectors free of charge to the people that can't afford them. There's a lot of smoke detector programs in cities and towns that provide that, also provide batteries. I know that several battery

manufacturers supply batteries for free to fire departments to supply the batteries to their citizens.

And one last item that I didn't submit in written testimony but I want to speak on behalf of and that's 5380, AN ACT REQUIRING DISPLAYING OF HOUSE NUMBERS. As an emergency responder for the last 38 years I've got to tell you it is extremely difficult to respond out there without seeing a house number. And there's various ordinances that are out there in towns, but for the most part if it could be a state statute it would be extremely helpful in that position. So certainly anything that we could do to push that along that would be appreciated, and we appreciate the point of raising that bill.

SENATOR HARTLEY: Thank you very much, Kevin.
Questions from committee members?
Representative Orange.

REP. ORANGE: Thank you, Senator Hartley. Good afternoon. How are you?

KEVIN KOWALSKI: Good ma'am.

REP. ORANGE: I'm just wondering with the transfer of the fire marshals into the construction or whatever it is commission if you could just give me a little heads up on how the conversion is going with the state?

KEVIN KOWALSKI: At this point as the representative of the Connecticut Fire Marshals we are working diligently to see if we can make some adjustments and some adjustments to the point where right now the local fire marshals are really in a bit of a bind because our -- the group that is our

officials. Now they collect funds from the building permit process to do that training, and that's statutorily directed.

So it's not like the funds are going to go someplace else and the building or construction services wouldn't get the funds. It's statutorily directed to the training entity. So it's important that that will still be continuing. One of the ideas that we brought in is the fact that it would allow the state fire marshal to work under the confines of the Commission of Fire Prevention and Control and the fire pattern in which Office of Education and Data Management would be a perfect fit because it's all about education. And they won't be tasked with the -- construction services right now are tasked with finding fire houses or fire halls or schools to try to train fire code people, you know, and they're looking for place. Sometimes they're too small and they have to ask people to leave because they're overcrowded. So that's what's going on, and we're hoping that we can get the support to make these adjustments.

REP. ORANGE: Thank you for your answer.

SENATOR HARTLEY: Thank you very much for weighing in on that too, chief. Other questions? Yes. Representative Jutila.

REP. JUTILA: Thank you, Madam Chair. Good afternoon, gentlemen. Good to see you guys, and thanks for waiting so long. It's a busy day here. I'm just wondering if you have a view on the standards or criteria for the type of smoke detectors that should be required. As you know, the bill speaks in terms of a photoelectric type or any technology approved

HB5394

by the state fire marshal by regulation. We heard some testimony on that today. There was a recommendation that we kind of broaden that to the national testing laboratories. And I'm just wondering if you guys have a view on that.

KEVIN KOWALSKI: Yes. Actually our standard is, you know, one person asked me, he says, what kind of detectors do you have in your home. I said, ones that work. And, you know, it's kind of a snub answer, but certainly that's the important part is that they're going to operate during a time of a fire. There is all kinds of questions on which technology is the best. I think if we start naming specific technologies, we will cut ourselves short in the long run down the road, five, maybe ten years from now when we come up with a different better mouse trap, so to speak, and for installation. I think if we leave it up to the state fire marshal, not necessarily in regulation because it would take a year and a half to get it through, but leave it up just the way the language is. The language currently in the statute says it's up to the state fire marshal as to the type of detection and performance. And that's the way it is. And so they could set a directive as to what type based on the national standards.

REP. JUTILA: Okay. So are you not in favor of putting broader language in there that would just make it, you know, a nationally recognized testing lab like, you know, UL or something like that?

KEVIN KOWALSKI: Certainly we can, but I don't think we have to. Again, our smoke detector rules or laws have been in effect for 30 years, and that's not the issue that we have

with smoke detectors, believe it or not. It's the ones that are not installed in homes prior to 1978 and also the ones that don't have the batteries installed in them or are not working. That's really the issue that we have. There's a national debate out there as far as which is better, photoelectric or ionization, and I don't think that we need to get into that debate. I think we need to allow the state fire marshal based on the consensus of the codes and standards in the fire prevention committee will come up with a consensus type of detector that will work perfectly for the citizens of the community.

REP. JUTILA: Are you aware of there ever having been a home smoke detector that failed and, you know, allowed for, you know -- well, it's not going to stop a home from burning down but, you know, prevented the -- or didn't warn the people in the home in order to get them out, a defective smoke detector?

KEVIN KOWALSKI: I have seen tests that that were performed on specific types of detectors that did not go off in a timely period, but typically all detectors installed properly and maintained properly will work to the manufacturer's listed requirement. Very rarely will you see a nonlisted detector out there. I won't say it's impossible, but very rarely will you see a nonlisted detector. And if it's listed to a specific regulatory agency like UL or an ANSI standard, then it will perform as it is built to perform and usually it will work fine. It will take care of it. The problems that they're finding out there right now is the type of detectors that are combined they're finding out different test levels now that children are not responding to smoke detectors, they're only respond to voice

type detectors. There's all kinds of testing going on right now. And I'm afraid if we restrict ourselves to a specific type, then we'll kind of paint ourselves in a corner and create an issue. So if we want to put into it that it will be in accordance with NFPA standards or ANSI standards we could do that, but I think if we just leave it the way it is and it's up to the state fire marshal's standard, which we can adopt anything that's out there, the newest, the greatest, whatever we need, based on a directive.

REP. JUTILA: Okay, thanks.

SENATOR HARTLEY: Thank you. Further questions? If not, thanks so much for being with us.

KEVIN KOWALSKI: Thanks very much.

SENATOR HARTLEY: Dave -- Ted, are you signed up? No. So we're going to move on to you, David.

DAVID D'OSTILIO: Good afternoon, Senator Hartley, Representative Dargan and the honorable members of the committee on public safety and security. My name is David D'Ostilio. I'm am the instructor supervisor with the International Union of Operating Engineers. I am here to testify today in favor of Raised Bill Number 323, AN ACT CONCERNING CRANE OPERATIONS.

Passing this bill that enables the State of Connecticut to comply with the federal regulations set forth by OSHA has many benefits to the holders of the Connecticut State Crane License, the companies that employ these men and women, the workers in the state, the general public and the State of Connecticut. The Connecticut State Crane



CONNECTICUT STATE FIREFIGHTERS ASSOCIATION, INC.

March 6, 2012

Senator Joan Hartley, Co-Chair Public Safety & Security Committee
 Representative Stephen Dargan, Co-Chair Public Safety & Security Committee
 Senator Eileen Daily, Vice Chair Public Safety & Security Committee
 Representative Ed Jutila, Vice Chair Public Safety & Security Committee
 Senator Tony Guglielmo, Ranking Member Public Safety & Security Committee
 Representative Janice Giegler, Ranking Member Public Safety & Security Committee

My name is Ted Schroll and I am the Legislative Representative for the Connecticut State Firefighters Association. The Association represents approximately 26,000 career and volunteer firefighters in Connecticut.

Our Association wishes to comment on several bills on today's agenda. You will be hearing from many speakers who will elaborate more than I on these bills, but this Association wishes to submit our opinion of these bills.

SUPPORT

Raised Senate Bill #320

AA Concerning Fire Prevention Code Regulations

Our Association supports this bill. It is our understanding that this bill is necessary as part of the normal processes needed to update new regulations and delete regulations that become obsolete over time. Fire Prevention Code Regulations are continually under review which makes this bill necessary.

HB5380

HB5381

SB327

HB5383

HB5394

Raised House Bill #5378

AA Concerning the Maximum Surcharge for Enhanced 9-1-1

Service

We believe that this bill is absolutely essential. This bill is more than just increasing funding for/by the State. By statute, ALL funding received from this surcharge are used for the implementation of the E-911 system in Connecticut. The current maximum limit was set by the General Assembly in the mid 1990s. While I understand that this committee does not need any explanation as to the intent of this bill, an increase of the maximum surcharge (up to 99 cents) does not mean an automatic immediate increase in a subscriber's monthly fee to this level. This just gives PURA the flexibility of annual increases in the coming years as per statutes. As is known, it has taken from 1996 until now to push up to the current maximum of 50 cents. Upgrading of the current E-911 equipment is necessary now, but the State is not able to accomplish these upgrades because funding (E-911 surcharge) is not adequate. Additionally, it is expected that the increase will fund the Public Safety Data Network which will allow

(over)

for the exchange of information among public safety and criminal justice entities. This network will become a very useful tool to be used by Police Departments, Fire Departments, Homeland Security, and Emergency Medical Services in this state. Please do not think of this as just another tax; think of it as a support emergency service **FOR** the citizens of Connecticut.

Raised House Bill #5380 AA Requiring The Display Of House Numbers

Our Association supports this bill. The numbers of anecdotal stories related to this issue are innumerable; delays of emergency service providers attempting to find addresses when time is of the essence. This issue is usually addressed by individual municipalities by ordinances but this allows for up to 169 different solutions. This legislation would allow for one uniform solution no matter in which municipality a person is present.

OPPOSE

Raised House Bill #5381 AA Concerning The Implementation Of The Public Safety Answering Point Consolidation Feasibility Study

This Association has a position on the Coordinating Advisory Board of the Department of Emergency Services & Public Protection, so we have a very slight knowledge of the PSAP Consolidation Feasibility Study. We are very interested in the issue of PSAP Consolidation. Candidly, some of our members are in favor and some are opposed. We do know that this study was only received by OSET/DESPP in January of 2012. In our opinion, it is not clear that this study, and ultimately the information in this bill, could be logically disseminated by OSET and ultimately be implemented within this short timeframe. Therefore, while we certainly can support the concept proposed by this bill, we must **OPPOSE THIS BILL AT THIS TIME.**

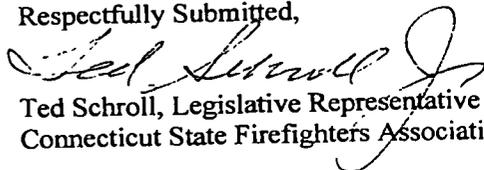
ADDITIONAL

Additionally, there are a few bills on your agenda that we have an interest. We feel that we would be remiss if we did not mention these bills. They are all subjects that are of interest to the Fire Service. These bills are:

- **Senate Bill #327 AA Concerning Fire Safety Enforcement Officials**
- **House Bill #5383 AA Requiring Carbon Monoxide & Oxygen Sensors On Portable Electric Generators**
- **House Bill #5394 AA Concerning Smoke & Carbon Monoxide Detectors And Alarms In Residential Buildings**

At the time of this writing, some of our members have some differences with some of the language in all three of these bills. We understand that these issues are being discussed as we speak, and look forward to being able to support language that is acceptable to the CT Fire Marshals Association and their members.

Respectfully Submitted,


 Ted Schroll, Legislative Representative
 Connecticut State Firefighters Association

CT Fire Marshals Association

Good morning Sen. Hartley, Rep. Dargan and Members of the Public Safety and Security Committee. I am Fire Marshal Kevin Kowalski and I represent the members of the CT Fire Marshals Association and I have been certified as Fire Marshal since 1981. I am here today to testify on **SB 320 AAC Fire Prevention Code Regulations, SB 327 AAC Fire Safety Enforcement Officials and HB 5394 AAC Smoke and Carbon Monoxide Detectors And Alarms In Residential Buildings.**

We support SB 320, as we have been working on the updating of several regulations involving special hazards that were out of date with current building standards. Unfortunately, the Committee will not meet the deadline necessary to obtain regulation approval in time with the sunset date of the current statutory requirements. If this bill does not pass, it is quite possible that the state would not have a Fuel Gas Code, a Fuel Oil Code, and other hazardous materials codes. The bill also gives the Fire Prevention Committee the opportunity to implement the new codes as soon as possible upon passage of the new regulation. I currently serve on the Fire Prevention Committee and can report that we are very close to completing the update which includes 2012 National document.

The CFMA is opposed to SB 327. Current statute gives the State Fire Marshal and The Codes and Standards the ability to change training methods, i.e. (1) They may prepare and conduct oral, written or practical examinations to determine if a person is qualified to be certified, or (2) accept successful completion of programs of training developed by public agencies and approve them as proof of qualifications for certification. And finally, the state Fire Marshal and the Codes and Standards may create their own program. Taking the certification out of the hands of the local authority is unnecessary.

The state trains and/or verifies adequate competency to be a code official and the local municipality or district official certifies the individual. If this bill is to pass, anyone with any training can apply to be a certified Fire Marshal and then be required to attend 90 hours of training given by a very busy Office of Education and Data Management. This could multiply the training requirement and there will be more classes that code officials could potentially be turned away from because of overcrowding. It also removes the local town from the certification process.

The CFMA supports HB 5394. This proposal will enhance the safety in 1 and 2 family dwellings. The CFMA believes that due to the low cost of battery operated smoke alarms (approximately \$10.00) all residential 1 and 2 family dwellings should have them installed. While there is currently a national discussion on whether it should be ionization style or photo electric style, this should be left to the market. The CFMA supports language that would mandate that all homes built before 1978 have at least working battery operated alarms. We request substitute language to delete the exception in homes built prior to 1978.



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE PUBLIC SAFETY AND SECURITY COMMITTEE

March 6, 2012

Ellen Blaschinski, Branch Chief, Regulatory Services Branch, 509-8171

House Bill 5394 – An Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings.

The Department of Public Health supports House Bill 5394

Enactment of this bill will help protect the citizens of the state from the dangers of carbon monoxide (CO) in their homes. The severe snowstorm the state experienced in October 2011 during which 143 cases of CO poisoning were reported, highlights the need for this legislation. DPH conducted a follow-up study of the poisonings resulting from that storm. Of the 60 households that were associated with CO poisoning cases, only 35% reported having a CO detector in the house. Sixty-three percent (63%) of the households were single family residences. This bill would dramatically increase the number of CO detectors in single and two-family residence and thereby greatly decrease the likelihood of another severe outbreak of CO poisoning such that witnessed in October. In addition, the implementation of the provisions of this bill will enhance the efforts of the DPH to educate the public about the risks of CO poisoning.

Thank you for your consideration of the Department's view on this bill

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MEMBER
 ENVIRONMENT COMMITTEE
 REGULATION REVIEW COMMITTEE
 TRANSPORTATION COMMITTEE

TESTIMONY
 IN SUPPORT OF HOUSE BILL NO. 5394
 AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS AND
 ALARMS IN RESIDENTIAL BUILDINGS.

Public Safety and Security Committee
 March 6, 2012

Honorable Co-Chairs Senator Hartley and Representative Dargan, Honorable Vice-Chairs Senator Daily and Representative Jutila, Ranking Members Senator Guglielmo and Representative Giegler, and members of the Public Safety and Security Committee:

Thank you for allowing me the opportunity to submit testimony on House Bill 5394, An Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings.

Current Connecticut statutes permit the State Fire Marshal and The Codes and Standards Committee to adopt, administer, and at any time amend a Fire Safety Code for the state of Connecticut. The current regulations in the Code are to provide for reasonable safety from fire, smoke, and panic in all buildings except private dwellings occupied by one or two families.

The underlying legislation proposes a change to the Code in that it will require smoke and carbon monoxide detection and warning equipment in all residential buildings.

On the morning of December 25, 2011, the City of Stamford suffered a tragic loss of life as a result of a residential house fire. Unfortunately, legislation cannot be drafted that would entirely prevent residential house fires; however, legislation such as House Bill 5394 takes effective steps towards preventing and limiting the loss of life should such tragic fires occur.

I support House Bill 5394 and thank the Committee for its time and attention to this important matter.

Sincerely,

Daniel J. Fox
 State Representative, 148th District
 Stamford, CT

MAYOR
MICHAEL A. PAVIA



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Testimony of Assistant Fire Marshal Robert Sollitto Concerning HB 5394
Public Safety & Security Committee
March 6 2012

Senator Hartley, Representative Dargan and distinguished members of the Public Safety and Security Committee - My name is Robert Sollitto and I am an Assistant Fire Marshal for the City of Stamford. My professional experience and background extends over 26 years of fire service and safety experience with the Stamford Fire & Rescue Department. I am here today to respectfully urge your support for HB 5394 - An Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings.

In my 17 years as a fire marshal, I have been the lead investigator on over 300 fires and assisted on many others. These incidents have occurred in just about every type of occupancy that we have characterized in the Connecticut Fire Code. I have seen, first-hand, the value of having smoke detection devices installed in residential living spaces. I can easily estimate that hundreds of people have escaped harrowing situations because of smoke and carbon monoxide detectors. We will never see newspaper articles written about the survivors, because their smoke detectors WORKED! Most house fire deaths occur because victims do not know their building is on fire until it is too late to escape. Either they become trapped or they are overwhelmed quickly by smoke and carbon monoxide poisoning. When fires occur at night, many people either wake up when it is too late, or do not wake at all, dying in their sleep from the hypoxia and carbon monoxide poisoning. The effects of carbon monoxide poisoning can drastically affect a person's ability to save themselves from an emergent situation. Some of the symptoms of carbon monoxide poisoning are -

- Exhaustion and fatigue
- Reduced muscle coordination and balance (instability when walking)
- Involuntary muscle twitching/jerking
- Tremors
- Headaches
- Irregular heart beat
- Difficulty processing visual information, particularly faster moving images
- Spotty and/or blurred vision
- Difficulty hearing
- Hearing high pitch noise
- Muscle/joint pain/cramping

Can anyone imagine having these deficiencies and try to work their way to safety through an already disorientating scene of smoke and heat?

The largest percentage of fire deaths in the home occurs at night while people are asleep. Therefore, a working smoke and carbon monoxide alarm can provide an early warning that can make the difference between life and death. According to studies published by the National Fire Protection Association, having a smoke alarm cuts your risk of dying in a fire by nearly half, with some studies indicating decreases of over 85%.

Almost three-quarters (71%) of the reported home structure fires and 84% of the fatal home fire injuries occurred in one- or two-family homes. Almost two-thirds of the fire deaths resulted from fires in homes *without* working smoke alarms.

Moreover, smoke alarms can prove to be a very cost-effective intervention. One study showed that every \$1 spent on smoke alarms saves \$28 of health-related expenditures on burn care and other fire related injuries.¹

In the past 5 years, Connecticut has lost approximately 95 persons due to fire related injuries. If we apply the national percentages, which states that 2/3rds of all fire deaths occur in homes without smoke detectors, we could estimate that approximately 60 persons died in Connecticut residences that had no smoke detection devices installed.

If each of these homes had functioning smoke detectors, these same percentages would indicate that an additional 30 lives could have been saved.

In conclusion, we must acknowledge that in life, things happen. Winds blow, materials deteriorate, actions occur. Sometimes, a confluence of innocuous events and conditions can synergize to create the greatest of all tragedies. You have it within your influence to help neutralize the chaos that resulted in the deaths of 5 innocent people this past Christmas Day. No, this act will not bring them back, but it will make their sacrifice stand for something. With your help, their loss can result in the saving of the life of another innocent victim.

*Data for entire year not yet published by the State of Connecticut

¹ Source Nationwide Children's Hospital, Columbus, Ohio, USA


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March 6, 2012

To: Senator Joan Hartley, Co-Chairman
 Representative Steve Dargan, Co-Chairman
 Members of the Public Safety & Security Committee

From: Bill Ethier, Chief Executive Officer

Re: House Bill 5394, AAC Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings

The HBA of Connecticut is a professional trade association with almost 1,000 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year and are engaged in countless home improvement projects.

While we support the goal of HB 5394 to mandate smoke and carbon monoxide (CO) detectors in all homes, we strongly oppose how it is implemented in this bill. As an alternative, we offer a substitute bill that achieves the same goal of requiring smoke and CO detectors in all dwelling units, following the Massachusetts model.

As we testified before the Insurance & Real Estate Committee in support of HB 5141, which requires smoke and CO detector disclosures on the real estate property condition disclosure form, it is simply foolish for anyone to not have these relatively inexpensive yet life-saving devices in their home.

HB5141

However, the language of HB 5394 unnecessarily and greatly complicates the code compliance and construction process for all existing homeowners, new home construction and home improvement projects. As worded, it could also impose huge costs and disruption on homeowners if hard-wired systems are required in existing homes. To achieve the goal, the bill essentially amends the wrong statute and in the wrong way. It's convoluted new language and deletions create tremendous conflicts between the State Building Code, which includes the International Residential Code (IRC) by which 1&2 family homes are built, and the State Fire Safety Code, which contains many provisions beyond smoke and CO detector requirements. There are many fire safety requirements in the IRC, applicable to both new home construction and to home improvement work on 1&2 family dwellings, that could be confusing at best, and in direct conflict at worst, with requirements in the State Fire Safety Code, which applies to non-1&2 family dwellings.

In addition, HB 5394 as drafted could require that for any home improvement work in a home built after 10-1-1985, battery operated detectors are not an option, i.e., the

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HBA of CT testimony, March 6, 2012

HB 5394, AAC Smoke and CO Detectors and Alarms in Residential Buildings

Page 2

homeowner would have to tear down drywall to install hard wired detection systems whenever any home improvement work is done. For example, if you pull a building permit to construct a deck on the back of your house, HB 5394 would require the installation of hard-wired, battery backed up smoke and CO detectors throughout the home. Also, the designation of specific types of smoke detectors, lines 43-45, is not appropriate given the continually improving technology of these devices. We urge you reference performance based standards from the American National Standards Institute (ANSI) or Underwriters Laboratory (UL) for these devices without specifying the specific type(s).

Section 2 of the bill addresses detector use during construction activity, but it should be redrafted to require temporary, battery operated detectors and somehow address device manufacturers' warnings that detectors should be covered during construction to avoid damage from dust.

We know from research studies and work over many years on fire safety issues in new home construction that smoke detectors and CO detectors save lives. Smoke and CO detectors are required to be installed in new home construction. **Since 1984, smoke detectors have been hard wired, with battery backup, in all new homes.** Many other fire-safety building code improvements were also adopted around that time and later as well. **CO detectors were required in 2005 in all new construction, with some common sense exceptions.** **In addition, smoke and CO detectors are required to be installed whenever internal home improvement work is done that requires a building permit be issued.** The problem that everyone wants to address, however, is reaching additional existing homes to ensure they have these life safety devices. So, our alternative to HB 5394 is simply to mandate the requirement in all homes (i.e., dwelling units to use the language of codes).

For any such requirement, however, we urge you to also consider how these requirements are to be enforced given that the Fourth Amendment to the U.S. Constitution does not allow inspections of homes without a warrant. Other than construction work, which CT codes already cover for both new homes and home improvement work, the only other trigger point to reach into an existing home is at the point of property transfer. Before the Insurance & Real Estate Committee on HB 5141, we urged the committee to overcome the inherent weakness of CT's property condition disclosure form by requiring the seller to certify that smoke and CO detectors are installed and working properly or provide the buyer the opportunity to inspect such devices and obtain a certification from a home inspector. These certifications, however, may create additional liability and may be uninsurable. **Nonetheless, we address this issue also in our substitute language attached. Our proposal is much more simple and straight-forward, achieves the goal of mandating CO and smoke detectors in existing homes, and does so without the conflicts and confusion that current HB 5394 creates.**

Please do not adopt the current language of HB 5394, and consider the attached as a substitute. Thank you for considering our comments on this important life-safety legislation.

Proposed Substitute for HB 5394, AAC Smoke and CO Detectors and Alarms in Residential Buildings Dwelling Units (replace the entire bill with the following). Note: Section 4 of the substitute below picks up the concept in HB 5141 that amends the real estate property condition disclosure report; HB 5141 was passed out of the Insurance & Real Estate Committee with a joint favorable report on February 28.

Be it enacted by the Senate and House of Representatives in General Assembly convened (*effective upon passage*):

1 Section 1. (NEW) (a) All existing dwelling units, including private dwellings occupied by
2 one and two families, shall be equipped with smoke detection and warning equipment and
3 carbon monoxide detection and warning equipment. Such detection and warning
4 equipment shall be of a type or any technology that is readily available for retail sale,
5 provided the equipment is tested and certified pursuant to standards issued by the American
6 National Standards Institute and Underwriters Laboratory, may be powered solely by
7 battery and may be equipment that combines smoke and carbon monoxide detection
8 technology into a single device.

9
10 (b) In order to comply with the requirement of subsection (a) of this section, (1) owners of
11 one and two family dwellings shall install such equipment on each level of habitation and
12 on the basement level in the following manner: outside each separate sleeping area, and on
13 the ceiling of each stairway leading to the floor above; and (2) owners of other dwelling
14 units shall install such equipment pursuant to the placement requirements of the State Fire
15 Safety Code.

16
17 Section 2. (NEW) In any dwelling unit, including private dwellings occupied by one and
18 two families, that is occupied during interior alterations, additions or other interior
19 construction work requiring a permit, the temporary installation of battery operated (A)
20 smoke detection and warning equipment, and (B) carbon monoxide detection and warning
21 equipment if a combustion source is present, shall be required during and in the area of
22 such alterations, additions or construction work. Such detection and warning equipment
23 shall be of a type or any technology that is readily available for retail sale, provided the
24 equipment is tested and certified pursuant to standards issued by the American National
25 Standards Institute and Underwriters Laboratory, and may be equipment that combines
26 smoke and carbon monoxide detection technology into a single device.

27
28 Section 3. (NEW) Nothing in section 1 or section 2 of this act shall affect the requirements
29 for construction of any dwelling units contained in the State Building Code or State Fire
30 Safety Code.

31
32 Section 4. Amend subdivision (1) of subsection (d) of section 20-327b of the general
33 statutes (the real estate property condition disclosure report) by adding the following:
34 (D) Whether there are smoke detectors and carbon monoxide detectors installed in a
35 dwelling pursuant to the requirements of section 1 of this act, and whether there have been
36 any known problems with such detectors and an explanation of such problems.

37



State of Connecticut

SENATE

STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

SENATOR L. SCOTT FRANTZ
ASSISTANT MINORITY LEADER
THIRTY-SIXTH DISTRICT

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BANKS COMMITTEE
COMMERCE COMMITTEE

MEMBER
FINANCE, REVENUE & BONDING COMMITTEE
TRANSPORTATION COMMITTEE

Testimony

Sen. Frantz in support of HB 5394
Public Safety and Security Committee Public Hearing
March 6, 2012

Good Morning Representative Dargan, Senator Hartley, Senator Guglielmo, and Representative Giegler. Thank you for the opportunity to testify this morning in favor HB 5394, An Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings.

HB 5394 will require that all residential dwellings have smoke detectors and carbon monoxide detectors. This bill also goes one step further by requiring that dwellings under going work, that requires a permit, which will be occupied during the work, must have these detectors in the house while the renovation is on going. If a worker has to take the detectors down because of work in the area, they must be placed elsewhere in the house to ensure the safety of the residents.

The house fire that occurred in Stamford on Christmas Morning, which took the lives of three children and their Grandparents is as devastating an event imaginable to a family, a community and, in this case, a state. As many read, the cause of the fire was improperly discarded ashes from the fire place that ended up in an area of the house under going renovations, and, although the investigation is not complete, it appears the smoke detectors may have been removed during the reconstruction process.

Unfortunately, this legislation will not bring back the lives of the people lost on Christmas morning, but it will hopefully aid in preventing this and other tragedies like it from happening again. Thank you for the opportunity to testify today and I will be happy to answer any questions you may have.

L. Scott Frantz
Sate Senator, 36th district



Testimony of Tom Sri, Kidde Residential & Commercial
Before the Public Safety & Security Committee
Regarding House Bill 5394, *An Act Concerning Smoke and Carbon Monoxide Detectors in Residential Buildings*
March 6, 2012

Kidde Residential & Commercial, part of UTC Climate Controls & Security located in Farmington, Connecticut, appreciates the opportunity to offer the following comments in support of extending carbon monoxide poisoning protections to existing homes as provided in HB 5394. Kidde Residential and Commercial Division is the leading manufacturer of residential fire safety products, including carbon monoxide and smoke detection alarms for both residential and commercial applications.

Carbon monoxide (CO) is an odorless, colorless and tasteless gas, and the leading cause of accidental poisoning deaths in the United States. According to the Centers for Disease Control and Prevention, CO poisoning claims more than 400 lives a year, and sends more than 20,000 to hospitals for emergency medical care.

Carbon monoxide is a by-product of incomplete combustion. Potential sources include common gas-burning appliances such as furnaces, water heaters, stoves, ovens and grills, as well as other fuel-burning devices like fireplaces, engines and generators. If any of these common appliances is installed improperly or malfunctions, carbon monoxide can build up inside a dwelling or other structure, leading to illness and death. Nearly every home in Connecticut – roughly 85% according to most recent U.S. Census data – uses some form of fossil-fuel based heating.

Because you can't see, smell or taste carbon monoxide, you may not even realize that you are being poisoned. Initial symptoms mimic the flu, and include headache and nausea. The ONLY safe way to detect this deadly gas is with a working carbon monoxide alarm.

Connecticut's legislature recognized the dangers of CO and in 2005 required that CO alarms be installed in all newly constructed homes. Today, 36 states have similar laws, and over half of these states also require that existing homes be retrofitted with CO alarms.

In 2011, during Tropical Storm Irene and the freak October snow storm, eight Connecticut residents died and hundreds were treated for CO poisoning. The storms cut power to a majority of the state's residents for many days and led many of these CO victims – some whole families – to employ generators, charcoal grills and other fuel burning appliances for household heating, cooking and to power appliances. Unfortunately, carbon monoxide poisoning isn't restricted to such emergency situations; CO poisoning is a year round problem. As an example, a few weeks ago a West Harford family was saved when the CO alarm installed in their residence activated, warning them of the deadly gas building up in their home from gasoline-powered equipment being used without adequate safeguards by a contractor.

HB5141

We hear these types of life-saving stories every week. CO alarms save lives. That's why we support the provisions of HB 5394 which extend requirements for CO alarms to existing homes. We commend Rep. Fox for his leadership on this legislation that if passed will save lives. It is worth noting that Kidde also supports H.B. 5141 sponsored by Senator Crisco and Representative Megna as this bill if also passed would ensure that smoke and CO alarms, where required, are present and properly installed in homes that are available for sale. The passage of these two bills will go a long way to preventing injuries and deaths from CO poisoning.

As stated at the beginning of this testimony, aside from manufacturing CO alarms, Kidde also manufactures smoke alarms. As such, we would like for the committee to be aware of a technical concern we have with HB 5394 as written with regards to the type of smoke detection and warning equipment which may be installed in residential dwellings. Section 1 (a)(2) as written would only allow consumers to use "photoelectric" type smoke alarms or only smoke alarm technologies that are approved by the State Fire Marshal.

Kidde manufactures several types of smoke alarms which incorporate a variety of smoke sensing technologies. This includes photoelectric and ionization sensors, also smoke alarms which combine both ionization- photoelectric sensors in one unit, and most recently, an "Intelligent Alarm" which combines an ionization sensor and a carbon monoxide sensor in one unit. Regardless of sensing technology, all smoke alarms must pass identical tests in order to obtain third-party approval and meet Underwriters Laboratories (UL) 217, the independent performance based standard to which smoke alarms are listed. All of Kidde's smoke alarms meet and are listed to this standard.

As written Section 1 (a)(2) would be a move away from the performance-based approach and could impose a prohibition on innovative technologies that could today or in the future benefit Connecticut consumers. The risk of naming which technologies are acceptable is that any new product that incorporates a prohibited technology would not be available to Connecticut residents, even if such product exceeds the existing performance standards. Further, the ability to introduce any new and innovative technology in Connecticut would be in doubt as no clear, defined standard would be set forth in Connecticut. To gain this clarification we respectfully ask the sponsor to consider an amendment to HB 5394 which would not name specific smoke detection technologies and instead recognizes nationally recognized performance based standards:

After the words "shall be" in line 43 page 2 insert: "tested and certified, pursuant to the requirements of the American National Standards Institute (ANSI) and Underwriters Laboratories Inc. (UL) as set forth in either ANSI/UL 217 or ANSI/UL 268, or successor standards, by a nationally recognized testing laboratory" in place of "of the photoelectric type or of any technology approved by the State Fire Marshall by regulation."

Thank you for your consideration of this amendment and Kidde's comments on HB 5394. We hope you will call on Kidde if we can be a resource to you in any way.



Fire and Rescue Department

Michael A. Pavia, Mayor

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Anthony Conte, Fire Chief
Peter M. Brown, Assistant Fire Chief

March 6 2012

HUMAN SERVICES COMMITTEE TESTIMONY

Re: HB 5934 – An Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings

Chief Anthony Conte – Fire Chief Stamford Fire and Rescue Department

Senator Hartley, Representative Dargen and distinguished members of the Public Safety and Security Committee my name is Anthony Conte and I am the Fire Chief for the Stamford Fire and Rescue Department for which I have served for 38 years. I am here today to respectfully urge your support for Raised Bill 5394 - An Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings.

Throughout my career, starting as a Firefighter in 1974, I witnessed many tragedies. The latest and I must say one of the saddest, occurred this past Christmas.

At 04:52 am, Christmas Morning 2011, Stamford Emergency Communications, our 911 center, received a phone call that the house next door to the caller was on fire, she stated it was “a Huge Fire” and “there are 3 kids and a mother”. The caller had been awoken by the screams of the mother not the fire itself. While our units were enroute three more frantic 911 calls were received once again reporting trapped children. The house was a large 2 ½ story Victorian built around the turn of last century and was under construction at the time of the fire.

Stamford Fire Rescue Engine 4 was the first unit to arrive and reported heavy fire showing from the first floor of the 2 ½ story house.



Photo courtesy of Tim Curtain

The mother, Mrs. Badger, was trapped on the front porch roof screaming to please "Save My Children", "My Whole Life Is in There". The crew went to rescue the mother; she was frantically screaming that her trapped children were on the third floor. The crew immediately ascended the scaffolding from the porch roof to the third floor that was exposed to high heat and choking smoke exiting from the first and second floors, to make a rescue attempt. The Captain entered the third floor through a window and only after a few feet was driven out by high heat and flames; the heat so intense that this fully equipped and protected officer received second degree burns to his face. Even so he and his crew made a second attempt to reach the trapped children.

Additional Fire units arrived on the scene and immediately tried to make entry into a fully involved structure. Some units were attempting rescues while others were trying to advance hoselines to protect the victims and the rescuers from the quickly advancing and extremely hot fire. The Rescue Captain, while attempting to conduct a search on the first floor, radioed to the Incident Commander that the fire and smoke conditions were extremely heavy and parts of the house had already collapsed. The Rescue Captain, along with his crew, attempted another search this time on the second floor when he felt the floor shift in a different direction from the walls indicating a collapse of the structure may be imminent.

The Incident commander, though with the full knowledge of five trapped occupants to include the three children, was forced to make a most dreadful decision, remove all firefighters from the inside of the structure, calculating that the danger to firefighters, from the heavy fire that had taken hold of the whole house and deteriorating structural conditions with signs of imminent collapse, was too great to continue and the viability of the victims had sadly already past from the extremely hot and smoky conditions.

The fire was then extinguished allowing the crews to more safely turn their attention to the grim task of searching for and removing the bodies from a building that was no longer sound.

The effects of this horrific fire will be felt by the Badger and Johnson families forever. This horrific fire will also reverberate through my department, the screams and pleas of the mother to rescue her family, the sight of the house being totally consumed and all firefighting efforts just not being enough to save the three children and their grandparents will haunt Stamford firefighters thoughts forever. Christmas will never be the same again.

As Chief of the Stamford Fire and Rescue Department and in the name of Fire Safety I appeal to you not to allow this to happen to anyone else. I urge you to support HB 5934 – An Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings. A smoke detector is necessary to notify the occupants in case of fire. There is no way to assure smoke detectors will be functioning in every home that catches fire, but it is my professional opinion as the Chief of the Stamford Fire and Rescue Department that this bill goes a long way to that end.

I thank you for your time and your anticipated support.

MAYOR
MICHAEL A. PAVIA



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**Testimony of Mayor Michael A. Pavia Concerning HB 5394
Public Safety and Security Committee
March 6, 2012**

Senator Hartley, Representative Dargan and distinguished members of the Public Safety and Security Committee my name is Michael Pavia and I am the Mayor of the City of Stamford. I am here today to respectfully urge your support for HB 5394 - An Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings.

On Christmas morning December 25, 2011, I experienced a tragedy that no other Mayor or elected official should ever have to experience in the State of Connecticut or throughout the United States. Helplessly, I saw the devastating effects that fire could have on an entire family. At approximately 4:52 in the morning, a frantic phone call was made to our 911 emergency call center "*There's a huge fire at the house next door to us. The whole house is on fire. There's three kids and a woman*".

The fire was so far advanced when Firefighters arrived on the scene; it was consuming the entire house. Firefighters made a brave and valiant effort to try and rescue the three young children and their grandparents, but there was nothing that they could do. The early morning fire claimed the lives of three young children, Lily Badger (age 9), and twin sisters Sarah and Grace Badger (age 7) and their Grandparents Lomer and Pauline Johnson.

This was probably the most tragic Christmas in the City of Stamford's history. The three young Badger girls and their Grandparents were unable to escape from the effects of the fire, heat and smoke. The family did not have enough warning to exit the building. As time went on and the fire went unnoticed, the fire grew in intensity and spread. It consumed the entire house before a call for help was made.

Every year in the United States, approximately 2,650 people die in home fires. Most of these deaths occur in homes that don't have working smoke detection. According to the National Fire Protection Association, almost two-thirds of home fire deaths result from fires in properties without working smoke detection.

A working smoke alarm significantly increases the individual's chance of surviving a deadly home fire. A properly installed and maintained smoke alarm is the only thing in the home that can alert individuals and families of fire 24 hours a day, seven days a week.

Carbon monoxide detectors are as important to home safety as are smoke detectors. Every year in the United States, more than 150 people die from accidental non fire related carbon monoxide poisoning. Connecticut experienced tragedy immediately after the October snow storm, the loss of five people to carbon monoxide poisoning. There were no functioning carbon monoxide detector(s) present.

Whether individuals are awake or asleep, properly working smoke alarms and carbon monoxide detectors are needed in residential buildings. They provide warning of dangerous conditions to provide for a safe escape and the timely notification of emergency rescue workers. Smoke and Carbon Monoxide detectors are constantly on alert, scanning the air for fire, smoke or carbon monoxide. The victims in Stamford, Connecticut that died in the horrific Christmas morning fire and those victims that died from carbon monoxide poisoning in Connecticut did not have enough warning to exit the building.

As the Mayor of the City of Stamford, I appeal to you in the name of public safety and security. I hope to never feel helpless again. Please don't let the deaths of Lily Badger (age 9), and twin sisters Sarah and Grace Badger (age 7) and their Grandparents Lomer and Pauline Johnson be in vain. I respectfully urge your support for HB 5394 - An Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings.

Sincerely,



Michael A. Pavia
Mayor

MAYOR
MICHAEL A. PAVIA

DIRECTOR
THADDEUS K. JANKOWSKI
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**Testimony of Director of Public Safety, Health and Welfare,
Thaddeus K. Jankowski Concerning HB 5394
Public Safety and Security Committee
March 6, 2012**

Senator Hartley, Representative Dargan and distinguished members of the Public Safety and Security Committee my name is Thaddeus Jankowski and I am the Director of Public Safety, Health and Welfare for the City of Stamford. My professional experience and background encompasses over 23 years of fire service and safety experience with the New York City Fire Department. I am here today to respectfully urge your support for HB 5394, an Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings.

In my 23 years of firefighting and safety experience, I have seen many needless deaths related to fire and carbon monoxide poisoning. I have experienced firsthand the importance of having properly functioning Smoke and Carbon Monoxide Detectors and Alarms in residential buildings. Most fire victims die from smoke inhalation or toxic gases and not from burns.

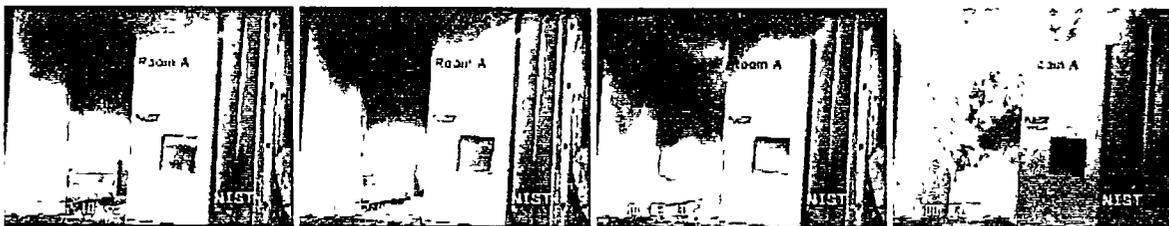
Fire statistics over the last five years have averaged 376,000 residential building fires, 2,600 civilian fire deaths and approximately 13,000 civilian fire injuries. Many fire deaths occur during the hours when people are sleeping. Contrary to popular belief, the smell of smoke may not wake a sleeping person. The poisonous gases and smoke produced by a fire can numb the senses and put the individual into a deeper sleep. Smoke detection and warning is necessary. Almost all households in the U.S. have at least one smoke detector but most fire deaths occur in home fires that do not have working smoke alarms.

To depict how fast a fire grows in intensity and the need for early detection, I am utilizing the National Institute of Standards and Technology (NIST) March 1996 test. NIST timed fire growth in a 12' X 8' high living room furnished with a sofa, love seat, end table, lamp and carpeting. The stages of fire growth are:

Incipient Stage (0 sec) Incipient stage (30 sec) Growth Stage (60 sec) Growth Stage (90 sec)



Growth stage (120 sec) Growth stage (150 sec) Fully developed (180 sec) Fully Developed (210 sec)



In this test direct flame was used, however, many fires smolder and the incipient stage lasts for a longer duration of time. As a fire progresses from the incipient stage (which lasts longer for smoldering fires), into and through the growth stage, the fire increases in its intensity. It becomes more precarious to exit a fire safely. In this fire test where they used direct flame to ignite the sofa, the smoke detector activated in less than 40 seconds, approximately during the incipient stage of the fire. In fires that are smoldering a photoelectric smoke detector is more effective for detection and is more likely to alert occupants in time to escape. Smoldering fires have been attributed to more fires involving death.

The time it took for the fire to progress from the incipient to the fully developed stage, when all combustible materials have been ignited was approximately three minutes. This is the hottest phase of a fire and is the most dangerous for anybody trapped within. During this test there was approximately a 2 ½ minute window of opportunity from when the smoke detector activated to when an individual could potentially safely exit the fire building. Again, this test utilized direct flame and the test was performed in the room of origin. In an actual residential house fire, once a fire leaves the room of origin, it starts spreading throughout the house making it more difficult to exit from adjacent areas. There are no guarantees during a fire but a properly installed and maintained smoke alarm provides early detection and warning that may allow an individual to safely exit a residential building fire.

Carbon monoxide detectors are as important to home safety as are smoke detectors. Carbon monoxide (CO) is a clear, colorless, odorless, and insidious poison that is responsible for hundreds of inadvertent and preventable deaths in the United States each year. Carbon Monoxide is a silent killer that is virtually undetectable without using detection technology. Carbon Monoxide detectors sound an alarm when exposure to carbon monoxide reaches potentially hazardous levels. Properly working carbon monoxide detectors provide for early warning before the deadly gas builds up to a dangerous level.

Smoke and carbon monoxide detectors and alarms are currently required in all new residential buildings. Fire acts the same in new residential as well as older residential buildings. Carbon monoxide acts the same in new residential as well as older residential buildings. As the Director of Public Safety, Health and Welfare for the City of Stamford, and a fire service professional with over 23 years of experience I appeal to you in the name of public safety and security to mandate that all residential buildings be required to have properly working smoke and carbon monoxide detectors and alarms. I respectfully urge your support for HB 5394, an Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings.

Respectfully,

Thaddeus K. Jankowski

Thaddeus K. Jankowski
Director of Public Safety, Health and Welfare



Testimony in Regard to Senate Bill 5394 - An Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings

Submitted to the Committee on Public Safety and Security

**Robert Duval, New England Regional Director and Senior Fire Investigator on
March 6, 2012**

Good Morning. My name is Robert Duval, and I am the New England Regional Director and Senior Fire Investigator for the National Fire Protection Association (NFPA). I am submitting this testimony on behalf of the NFPA to go on record with our opposition to a portion of SB 5394 regarding limiting smoke detection technology to photoelectric type only.

NFPA is the world's leading advocate of fire prevention and an authoritative source on public safety. NFPA develops, publishes, and disseminates more than 300 consensus codes and standards intended to minimize the possibility and effects of fire and other risks. This testimony is to place into the record our support for the use of both types of smoke detection technology; ionization as well as photoelectric.

The two most commonly recognized smoke detection technologies are ionization smoke detection and photoelectric smoke detection.

- Ionization smoke detection is generally more responsive to flaming fires.

How they work: Ionization-type smoke alarms have a small amount of radioactive material between two electrically charged plates, which ionizes the air and causes current to flow between the plates. When smoke enters the chamber, it disrupts the flow of ions, thus reducing the flow of current and activating the alarm.

- Photoelectric smoke detection is generally more responsive to fires that begin with a long period of smoldering (called "smoldering fires").

How they work: Photoelectric-type alarms aim a light source into a sensing chamber at an angle away from the sensor. Smoke enters the chamber, reflecting light onto the light sensor; triggering the alarm.

For each type of smoke alarm, the advantage it provides may be critical to life safety in some fire situations. Home fatal fires, day or night, include a large number of smoldering fires and a large number of flaming fires. You cannot predict the type of fire you may have in your home or when it will occur. Any smoke alarm technology, to be acceptable, must perform acceptably for

both types of fires in order to provide early warning of fire at all times of the day or night and whether you are asleep or awake.

The best evidence has always indicated that either type of smoke alarm will provide sufficient time for escape for most people for most fires of either smoldering or flaming type. However, research is ongoing, and standards are living documents. If at any time, research points to a different conclusion, then that will lead to proposals for changes in the NFPA standard or referenced Underwriters Laboratories product standard for testing and approving smoke alarms. Both organizations currently have task groups looking at smoke alarm performance in the current home environment.

On July 1, 2009, an NFPA task group issued a follow-up report on ionization vs. photoelectric smoke alarms. This report builds on the work of an earlier task group documented in a report on ionization vs. photoelectric smoke alarms released on February 28, 2008. Both task groups were convened to determine the best methods and practices for detecting smoke and to provide information to the technical committee to help determine if changes should be made to the 2010 edition of NFPA 72®, National Fire Alarm and Signaling Code®. I can provide copies of the latest task group report to the committee.

I can also provide the committee with copies of a report from the Smoke Alarm Task Force for the California State Fire Marshal (issued August 2011) which covers "Understanding, Utilization and Effectiveness of Smoke Detection Technology Including Ionization, Photoelectric and other Technologies".

In both cases; for best protection, it is recommended both (ionization and photoelectric) technologies be used in homes. In addition to individual ionization and photoelectric alarms, combination alarms that include both technologies in a single device are available.

I would recommend that Section 29-292(a) 2 be revised to read - ...shall require smoke detection and warning equipment which is installed in such residential buildings shall be tested and certified, pursuant to the requirements of the American National Standards Institute (ANSI) and Underwriters Laboratories Inc. (UL) as set forth in either ANSI/UL 217 or ANSI/UL 268, or successor standards, by a nationally recognized testing laboratory,...

Estimates from NFPA and other agencies show smoke alarm usage in homes rose from less than 10% in 1975 to at least 95% in the year 2000. Over that time period, fire deaths in homes were cut nearly in half. From this we can certainly credit smoke alarm usage as playing a major role in reducing fire deaths. Keep in mind the vast majority of the smoke alarms installed in this period and going forward use ionization technology.

In the period from 2005-2009 smoke alarms sounded in half of the home fires reported to U.S. fire departments. In reported home fires in which smoke alarms were present but did not operate, half had missing or disconnected batteries and one quarter failed due to dead batteries.

NFPA is committed to working with this committee and the fire and building stakeholders within the State of Connecticut on maintaining a safe working and living environment within the buildings of the state.

Thank you for the opportunity to submit this testimony today.

The mission of the international nonprofit NFPA, established in 1896, is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education.

What you should know about SMOKE ALARMS

Smoke Alarms Save Lives

The most important things you need to know are smoke alarms save lives and they should be in every home. Follow these important smoke alarm safety measures:

- Make sure your smoke alarms are working. This means testing smoke alarms monthly, replacing batteries once a year or when a low-battery alarm chirps and performing other maintenance as NFPA and your smoke alarm manufacturers recommend. And of course, a smoke alarm disabled because of nuisance alarms provides no protection at all.
- It is important to have not just one smoke alarm but smoke alarms in every location required by NFPA standards. (On each level of your home, outside each sleeping area and inside each bedroom.) Tens of millions of U.S. homes are estimated to have smoke alarms but not enough smoke alarms to meet the standards and protect their homes.
- Interconnect your smoke alarms so that a fire detected by any smoke alarm will sound an alarm at every location where a smoke alarm is installed. Interconnection can be done using hard-wiring or wireless broadcast technology. Interconnected smoke alarms provide early warning of fires that are still far away or are located on the other side of a door or wall that may block sound.
- Develop and practice an escape plan so that everyone in the home knows what to do if the smoke alarm sounds. That includes planning a second way out from every room in your home. Every household that develops and practices an escape plan with two ways out from every location improves its time to escape in every type of fire.

There Are Different Types of Smoke Alarm Technologies—Ionization and Photoelectric

The two most commonly recognized smoke detection technologies are ionization smoke detection and photoelectric smoke detection. Ionization smoke detection is generally more responsive to flaming fires and photoelectric smoke detection is generally more responsive to fires that begin with a long period of smoldering (called "smoldering fires"). For each type of smoke alarm, the advantage it provides may be critical to life safety in some fire situations.

Home fatal fires, day or night, include a large number of smoldering fires and a large number of flaming fires. You can not predict the type of fire you may have in your home or when it will occur. Any smoke alarm technology, to be acceptable, must perform acceptably for both types of fires in order to provide early warning of fire at all times of the day or night and whether you are asleep or awake.

The best evidence has always indicated that either type of smoke alarm will provide sufficient time for escape for most people for most fires of either smoldering or flaming type. However, research is ongoing, and standards are living documents. If at any time, research points to a different conclusion, then that will lead to proposals for changes in the NFPA standard or the closely related Underwriters Laboratories standard for testing and approving smoke alarms. Both organizations currently have task groups looking at smoke alarm performance in the current home environment.

For Best Protection Use Both Types of Smoke Alarm Technologies

For best protection, it is recommended both (ionization and photoelectric) technologies be in homes. In addition to individual ionization and photoelectric alarms, combination alarms that include both technologies in a single device are available.

Nuisance Alarms Can Be Minimized

Ionization type smoke alarms are more susceptible to nuisance alarms due to cooking, the leading cause of nuisance alarms, but both types have some susceptibility to nuisance alarms from cooking fumes, and both have susceptibility to nuisance alarms from the steam from a hot shower.

In the past decade or so, a number of steps have been taken to reduce the likelihood of nuisance alarms, including hush features and refinements to installation rules that include guidance on safe distances from nuisance sources.

TV Demonstrations of Smoke Alarm Performance Can Be Misleading

Informal demonstrations, such as ones done for TV news shows, of smoke alarm performance can seriously mislead the viewer and do not provide a sound basis to assess performance. These demonstration tests are not performed in a controlled or scientific way that compares the time of smoke alarm operation to the time when occupants would be incapacitated. The selected fire scenarios may not be representative of real fatal home fires. Passing or failing a "test" of this sort may have nothing to do with performing well or badly in the wide range of real fires. A valid engineering analysis must select fires that are realistic and analyze them accordingly.

In an informal demonstration, the eye reacts to conditions that look dangerous, mostly visible smoke and visible flame. However, most people are killed by invisible gases, which do not necessarily spread at the same rate as smoke or flame. A valid engineering analysis must measure conditions caused by fires and assess them according to their real danger.

For more information go to www.nfpa.org/smokealarms





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www.nfpa.org

Smoke Alarms in Reported U.S. Home Fires



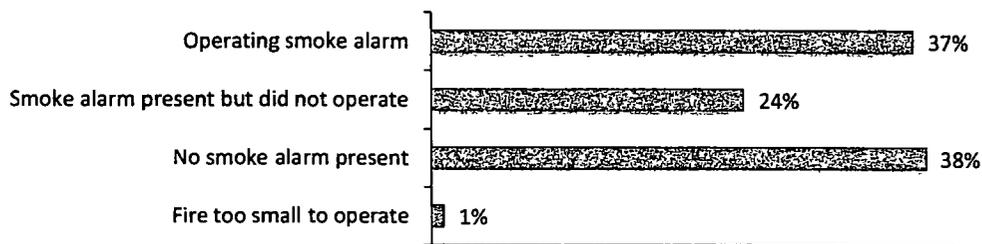
Ninety-six percent of all homes have at least one smoke alarm, according to a 2010 telephone survey. Overall, three-quarters of all U.S. homes have at least one *working* smoke alarm.

Smoke Alarm Presence and Performance

In 2005-2009, smoke alarms sounded in half of the home fires reported to U.S. fire departments.

- Almost two-thirds of home fire deaths resulted from fires in homes with no smoke alarms or no working smoke alarms.
 - > No smoke alarms were present in more than one-third (38%) of the home fire deaths.
 - > In one-quarter (24%) of the home fire deaths, smoke alarms were present but did not sound.

Home Structure Fire Deaths by Smoke Alarm Performance 2005-2009



Interconnected smoke alarms increase safety

in a Consumer Product Safety Commission (CPSC) survey of households with any fires, including fires in which the fire department was not called, interconnected smoke alarms were more likely to operate and alert occupants to a fire.¹ People may learn about or be alerted to a fire without hearing a smoke alarm.

- When smoke alarms (interconnected or not) were on all floors, they sounded in 37% of fires and alerted occupants in 15%.
- When smoke alarms were not on all floors, they sounded in only 4% of the fires and alerted occupants in only 2%.
- In homes that had interconnected smoke alarms, the alarms sounded in half (53%) of the fires and alerted people in one-quarter (26%) of the fires.

Michael A. Greene and Craig Andres 2004-2005 National Sample Survey of Unreported Residential Fires U.S. Consumer Product Safety Commission, July 2009



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Homes include one- and two-family dwellings, manufactured homes, apartments, townhouses, roughhouses, and condominiums

Home Fires with Smoke Alarms

In reported home fires with smoke alarms:

- Half the alarms were powered by battery only.
- Two-thirds of the fatal fire injuries were caused by fires in homes with smoke alarms powered by battery only

In fires considered large enough to activate the alarm,

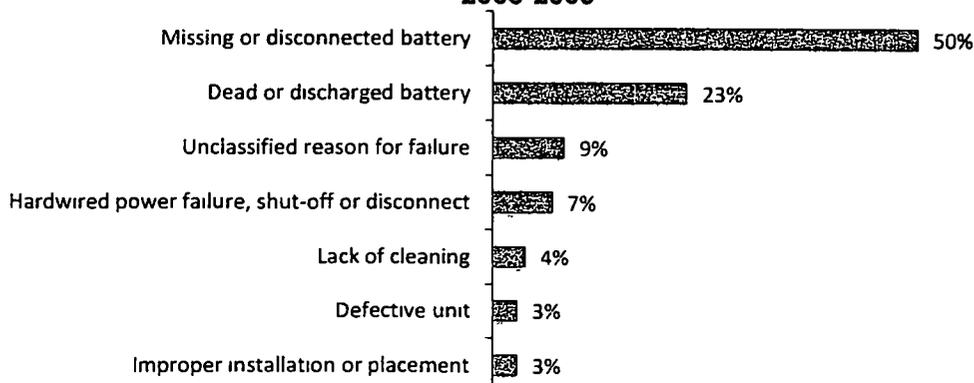
- Hardwired smoke alarms operated 92% of the time.
- Battery-powered smoke alarms operated in three-quarters (77%) of the fires.

Reasons that Smoke Alarms Did Not Operate

In reported home fires¹ in which the smoke alarms were present but did not operate,

- Half of the smoke alarms had missing or disconnected batteries. Nuisance alarms were the leading reason for disconnected smoke alarms.
- Almost one-quarter (23%) of the smoke alarm failures was due to dead batteries
- Only 7% of the failures were due to hardwired power source problems, including disconnected smoke alarms, power outages, and power shut-offs.

Reason Smoke Alarm Failed to Operate in Home Structure Fires 2005-2009



Little causal detail is required about certain categories of minor fires, identified by incident type and collectively called confined fires by the US Fire Administration's National Fire Incident Reporting System (NFIRS). Confined fires were omitted from calculations of the reasons for smoke alarm failure.

Smoke Alarm Safety at Home



Smoke alarms are an important part of a home fire escape plan. When there is a fire, smoke spreads fast. Working smoke alarms give you early warning so you can get outside quickly.

SAFETY TIPS

- »»» INSTALL smoke alarms inside every bedroom, outside each sleeping area and on every level of the home, including the basement.
- »»» Larger homes may need ADDITIONAL smoke alarms to provide enough protection.
- »»» For the best protection, INTERCONNECT all smoke alarms so when one sounds they all sound.
- »»» An IONIZATION smoke alarm is generally more responsive to flaming fires and a PHOTOELECTRIC smoke alarm is generally more responsive to smoldering fires. For the best protection, both types of alarms or combination ionization and photoelectric alarms (also known as dual sensor alarms) are recommended.
- »»» Smoke alarms should be INSTALLED away from the kitchen to prevent false alarms. Generally, they should be at least 10 feet (3 meters) from a cooking appliance.
- »»» REPLACE all smoke alarms when they are 10 years old.

FACTS

- ❗ Roughly **two thirds** of home fire deaths happen in homes with no smoke alarms or no working smoke alarms.
- ❗ Working smoke alarms cut the risk of dying in reported home fires in **half**.



AND DON'T FORGET
All smoke alarms should be tested at least once a month using the test button.



Your Source for SAFETY Information www.nfpa.org/education
NFPA Public Education Division • 1 Batterymarch Park, Quincy, MA 02169



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*Testimony of Representative Gerald Fox, III of Stamford
 Before the Public Safety and Security Committee on House Bill 5394, An Act Concerning Smoke and
 Carbon Monoxide Detectors and Alarms in Residential Buildings*

Senator Hartley, Representative Dargan and members of the Public Safety and Security Committee. For the record, my name is State Representative Gerald Fox, III. I would like to thank the committee for raising H.B. 5394, AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS AND ALARMS IN RESIDENTIAL BUILDINGS.

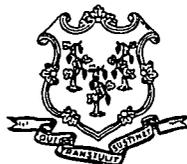
It has long been recognized that properly installed and maintained smoke detectors and carbon monoxide detectors save lives. Smoke alarms are designed to detect and warn the occupants of otherwise undetectable smoke in the air. Carbon monoxide is invisible and odorless, but is one of the most toxic substances and leading causes of accidental poisoning. Whether we are asleep or awake, a working detector is constantly scanning the air for smoke and carbon monoxide. The smoke and carbon monoxide detectors are invaluable because they give people a chance to get out of their homes before it is too late.

In 2005, the General Assembly recognized that detectors promote safety of the people of our state by passing P.A. 05-161. The 2005 Public Act required that carbon monoxide detectors and warning equipment be installed in new residential buildings, but excepted private dwellings occupied by one or two families.

H.B. 5394 strengthens and builds upon the 2005 legislation. If passed, it would amend section 29-292 of the general statutes to require that all residential buildings comply with the Fire Safety Code, and that smoke and carbon monoxide detectors and warning equipment be installed in all residential buildings, regardless of the number of families that can occupy the home.

The importance of effective preventative measures against fire and carbon monoxide in our homes is clear and we have covered many properties with the 2005 legislation. Now is the time to establish the public policy that all dwellings occupied for residential purposes in our state be required to have smoke and carbon monoxide detectors. This will bring additional awareness of the importance of smoke and carbon monoxide detectors and provide warning so people can vacate their homes when faced with dangerous conditions.

I thank the committee for raising this important legislation and your continued efforts to advance public safety. Thank you for the opportunity to present my testimony and I urge the committee's favorable report.



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STATE CAPITOL

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ONE HUNDRED FORTY-FOURTH ASSEMBLY DISTRICT

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Testimony

In Support of Raised House Bill 5394 An Act Concerning Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings

Public Safety and Security Committee

March 6, 2012

Honorable Co-Chairs Senator Hartley and Representative Dargan, Honorable Vice-Chairs Senator Daily and Representative Jutila, Ranking Members Senator Guglielmo and Representative Giegler, and members of the Public Safety and Security Committee:

Thank you for allowing me the opportunity to testify on Raised House Bill 5394, AN ACT CONCERNING SMOKE AND CARBON MONOXIDE DETECTORS AND ALARMS IN RESIDENTIAL BUILDINGS.

Stamford, Connecticut has been forever changed by the heartbreaking tragedy that occurred this past Christmas. The lethal inferno that took the young lives of 10-year-old Lily Badger, 7-year-old twins Grace and Sarah Badger, and the lives of their maternal grandparents Lomer and Pauline Johnson continue to grieve our City and the courageous members of the Stamford Fire and Rescue Department who did everything humanly possible to save Lily, Grace, Sarah, Lomer, and Pauline. On behalf of the City of Stamford, I want to thank Chief Antonio Conte, our men and women of the Stamford Fire and Rescue Department, and the men and women of our Volunteer fire departments who put their lives in harm's way every day to protect the lives of the citizens of Stamford.

House bill 5394 provides critical and life-saving measures that will prevent tragedies like the one in Stamford on Christmas morning, 2011. With this bill, the Fire Safety Code will "provide for reasonable safety from fire, smoke, and panic there-from in all buildings, including private dwellings," the "provision for carbon monoxide detection and warning equipment in all residential buildings," and the provision for "smoke detection and warning equipment in all residential buildings." The bill makes clear that any residential building occupied by one or more families that holds a certificate of occupancy prior to October 1, 1985 may use battery powered smoke detection and warning equipment. The bill also requires smoke detection and warning equipment of a type or technology approved by the State Fire Marshal. The bill further adds a certificate of occupancy will not be issued for a residential building unless the fire marshal or building official certifies the "building is equipped with smoke detection and warning equipment and if not exempt under the regulations, carbon monoxide detection and warning equipment. The new regulations for issuing a CO will commence immediately upon the date the section of the bill containing these regulations goes into effect. Finally, HB 5394 adds a new section charging the Commissioner of Construction Services to adopt regulations effective October 1, 2012 that will "amend the 2003 International Residential Code portion of the State Building Code requiring the installation of smoke detection and warning equipment and carbon monoxide detection and warning equipment in a dwelling" whenever work to the dwelling requires a permit and the dwelling will be occupied during such permitted construction.

The difference between a home containing working smoke detectors and warning equipment and working carbon monoxide detectors and warning equipment and a home that does not contain these critical and life-saving measures can mean the difference between life and death. HB 5394 is the necessary tool to ensuring there will never be a dwelling that does not contain these life-saving measures, and I urge the Public Safety and Security Committee move for passage.

Thank you for your time and attention.

Best Regards,



Michael L. Molgano
State Representative, 144th District
Stamford

S - 649

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2012**

**VOL. 55
PART 14
4223 - 4505**

rgd/tmj/gdm/gbr
SENATE

269
May 9, 2012

SENATOR LOONEY:

Yes. Thank you, Madam President. Those two items we previously adopted, Senate Agenda Number 1, those two items listed previously were actually on Senate Agenda Number 1 rather than on the calendar.

So would ask for suspension for taking up for purposes of placing on the consent calendar, House Bill 5148, which appears on Senate Agenda Number 1.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

In addition, Madam President, also appearing on Senate Agenda Number 1, Madam President, is Substitute for House Bill 5394. Would move for suspension to take of the item to place it on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I believe the -- the initial motion was to suspend to take of the items. Now, I would move, Madam President, to place them on the consent calendar, that is placing House Bill five Number four -- 5148 and 5394 from Senate Agenda Number 1, to be placed on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

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SENATE

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May 9, 2012

SENATOR LOONEY:

Yes.

THE CHAIR:

The Calendar Number 444 --

SENATOR LOONEY:

Yes.

THE CHAIR:

-- House Bill 5037 has just been added.

Senator Looney.

SENATOR LOONEY:

That's right, Madam President.

And -- and also, Madam President, calendar page -- excuse me, it's -- rather I don't have the calendar page but it's Substitute -- it is Calendar 507, Substitute for House Bill 5467, Madam President, move to place that item on the consent calendar.

THE CHAIR:

Got it. Thank you, sir.

SENATOR LOONEY:

Now, Madam President, if the Clerk would now proceed to call the consent calendar.

THE CHAIR:

Mr. Clerk, you may call the consent calendar now.

THE CLERK:

House Bill 5358; House Bill 5148; House Bill 5394; House Bill 5326; House Bill 5025; House Bill 5534; House Bill 5539; House Bill 5320; House Bill 5462; House Bill 5394; House Bill 5511.

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May 9, 2012

(HB 5283)

On page 3, Calendar 240, House Bill 3283; page 3, Calendar 299, House Bill 5437; page 5, Calendar 349, Senate Bill 374; page 6, Calendar 375, House Bill 5440; page 6, 362, House Bill 5011.

On page 7, Calendar 376, House Bill 5279; on page 7, 387, House Bill 5290; on page 8, 394, House Bill 5032; on page 8, 396, House Bill 5230.

Also on page 8, Calendar 398, House Bill 5241; on page 8, Calendar 393, House Bill 5307; on page 9, Calendar 403, House Bill 5087; on page 9, Calendar 406, House Bill 5276; on page 9, 407, House Bill 5484; on page 11, Calendar 424, House Bill 5495; on page 12, Calendar 435, House Bill 5232; on page 13, Calendar 5 -- excuse me Calendar 450, House Bill 5447; on page 14, Calendar 455, House Bill 3 -- I'm sorry -- House Bill 5353.

On page 14, Calendar 453, House Bill 5543; on page 14, Calendar 459, House Bill 5271; on page 15, Calendar 464, House Bill 5344; on page 15, Calendar 465, House Bill 5034; on page 16, Calendar 469, House Bill 5038; on page 17, Calendar 475, House Bill 5550; on page 17, Calendar 474, House Bill 5233; on page 17, Calendar 477, House Bill 5421.

Page 18, 480, House Bill 5258; on page 18, Calendar 479, House Bill 5500; page 18, Calendar 482, House Bill 5106; on page 18, Calendar 483, House Bill 5355; on page 19, Calendar 489, House Bill 5248; on page 19, Calendar 488, House Bill 5321; on page 20, Calendar 496, House Bill 5412.

On page 21, Calendar 504, House Bill 5319; page 21, Calendar 505, House Bill 5328; on page 22, Calendar 508, House Bill 5365; on page 22, Calendar 510, House Bill 5170; on page 23, Calendar 514, House Bill 5540; on page 23, Calendar 517, House Bill 5521.

Page 24, Calendar 521, House Bill 5343; page 24, Calendar 518, House Bill 5298; page 24, Calendar 523, House Bill 5504; page 29, Calendar 355, Senate Bill 418; on page 13, Calendar 444, 5037; and Calendar 507, House Bill 5467.

THE CHAIR:

Senator -- Senator Suzio.

SENATOR SUZIO:



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PERMANENT ASSISTANT
CLERK OF THE SENATE

Bills placed on the Consent Calendar on May 9, 2012

5358
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Bills from Senate Agenda Number 3 from the May 9th Senate Session that were placed on the Consent Calendar

HB5304
HB 5342

rgd/tmj/gdm/gbr
SENATE

319
May 9, 2012

Good evening, Madam President.

I just want to clarify. I thought I heard the Clerk call House Bill 5034? Is that on the consent calendar?

THE CHAIR:

Do you know what page that is, sir?

SENATOR SUZIO:

No I -- he was reading so fast, Madam, I couldn't get it.

THE CHAIR:

It's -- yes it's 53 -- I don't know.

SENATOR SUZIO:

5034.

THE CHAIR:

5034, yes sir.

SENATOR SUZIO:

I object to that being put on the consent calendar, Madam President.

THE CHAIR:

Okay, that will be removed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, just seeing that -- ask to remove that item from the consent calendar.

THE CHAIR:

So ordered.

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May 9, 2012

At this time we'll call a roll call vote on the consent calendar.

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Coleman, we need your vote, sir.

Senator Kissel, Senator Kissel. Senator Kissel, will you vote on the consent calendar please?

All members have voted?

If all members have voted, the machine will be closed.

Mr. Clerk, will you call the amendment -- I meant the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and Not Voting	0

THE CHAIR:

The consent calendar has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I believe the Clerk is in possession of Senate Agenda Number 6 for today's session.