

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LICENSES AND
INSPECTIONS

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, June 11, 2012
10:15 a.m.

PRESENT:

COUNCILWOMAN MARIA D. QUINONES-SANCHEZ, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DAVID OH
COUNCILMAN MARK SQUILLA

BILL 120278 - An ordinance amending Title 4 of
The Philadelphia Code, entitled "The
Philadelphia Building Construction and
Occupancy Code," by amending Subcode "F" ("The
Philadelphia Fire Code"), by modifying a
subsection allowing smoke alarms in existing
one- and two-family dwellings to be solely
battery powered...

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COUNCILWOMAN SANCHEZ: Good

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morning. The Committee on Licenses and

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Inspections will have its public hearing.

5

Having established a quorum, to my far

6

right, Councilman Bobby Henon, Councilman

7

Curtis Jones. To my left, Councilman

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Bill Greenlee and myself.

9

Will the Clerk read the title

10

of the bill.

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THE CLERK: 120278, an

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ordinance amending Title 4 of The

13

Philadelphia Code, entitled "The

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Philadelphia Building Construction and

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Occupancy Code," by amending Subcode "F"

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("The Philadelphia Fire Code"), by

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modifying a subsection allowing smoke

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alarms in existing one- and two-family

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dwellings to be solely battery powered,

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all under certain terms and conditions.

21

COUNCILWOMAN SANCHEZ: Thank

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you.

23

Before we get started, will the

24

sponsor of -- I'm going to recognize the

25

sponsor of the bill, Majority Leader

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2 Jones.

3 COUNCILMAN JONES: Thank you so
4 much, Madam Chairman.

5 According to the National Fire
6 Protection Association, more than
7 two-thirds of fire deaths happen in homes
8 with no smoke alarms or with smoke alarms
9 that aren't working. The common cause is
10 missing or disconnected batteries.

11 In April alone, Philadelphia
12 lost three children, two mothers, a
13 grandfather and a grandmother in three
14 separate house fires. In all three,
15 according to the City's Fire Department,
16 the homes were equipped with smoke alarms
17 that did not work.

18 Since January, fire has claimed
19 the lives of over 16 Philadelphians. The
20 a vast majority of these fires occurred
21 in homes without working smoke alarms.

22 Last year, 32 Philadelphians
23 died in residential fires. Eighty-four
24 percent of those deaths could have been
25 prevented primarily with working smoke

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2 detectors, properly installed smoke
3 alarms.

4 The Philadelphia Fire

5 Department has been working for decades
6 to get more homes equipped with working
7 alarms. We've made progress. Fatalities
8 are down and injuries have decreased, but
9 today we will examine legislation that
10 would require lifelong, tamper-resistant
11 smoke alarms in one- and two-family
12 residential homes. This type of alarm
13 requires batteries that are
14 self-contained, that last ten years,
15 cannot be removed in order for you to fix
16 the remote that doesn't work.

17 Time, response time, means
18 everything. The time a family has to
19 detect a fire gives the Fire Department
20 time to respond, gives people time to be
21 saved.

22 It is time to look at this
23 issue of smoke detectors and lifelong
24 batteries, ten-year batteries, that can
25 save lives, and I want to thank this

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2 Committee and you, Madam Chair, for
3 considering this bill.

4 COUNCILWOMAN SANCHEZ: Thank
5 you, Councilman Jones.

6 I want to recognize for the
7 record that Councilman David Oh and
8 Councilwoman Cindy Bass have joined us.

9 We will begin with our witness
10 list, beginning with Deputy Chief Keith
11 Bailey. Following him will be Mike
12 Kiley, Antonio Ragsdale and then Tom Sri.

13 (Witness approached witness
14 table.)

15 COUNCILWOMAN SANCHEZ: Good
16 morning. You could begin, proceed.

17 DEPUTY CHIEF BAILEY: Good
18 morning.

19 COUNCILMAN JONES: Good
20 morning.

21 DEPUTY CHIEF BAILEY: I am
22 Deputy Chief Richard Bailey, Chief of the
23 Fire Department's Fire Code Unit. The
24 significance of that is that the Fire
25 Code Unit is responsible for the City's

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2 Fire Code.

3 Fire Commissioner Ayers is
4 unable to be here today, but he directed
5 me to testify in support of Bill 120278,
6 which will require smoke alarms currently
7 required in one- and two-family dwellings
8 to have ten-year, non-removable
9 batteries. This legislation should
10 reduce injuries and deaths of civilians
11 by fire by improving the reliability of
12 smoke alarms.

13 Since the early '80s, the Fire
14 Code has required smoke alarms in one-
15 and two-family dwellings, and the fire
16 alarm systems have been required in
17 apartment buildings. Since that time,
18 overall fire deaths in Philadelphia have
19 declined. During the 1970s, the average
20 number was 110. During the '80s, it was
21 90, and during the '90s, it was 68. The
22 average number of fire deaths during the
23 past three years has been 32.

24 Also since the 1980s, the Fire
25 Department has obtained grants to

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2 purchase smoke alarms and batteries and
3 has installed them in the homes of those
4 without them and replaced the batteries
5 where needed. To date, that number is
6 132,879 smoke alarms installed.

7 For the past two and a half
8 years, the Fire Department has been
9 installing smoke alarms with ten-year,
10 non-removable batteries in one- and
11 two-family dwellings to ensure that they
12 remain in service for the life of the
13 smoke alarm, because a significant number
14 of homeowners and tenants have not
15 replaced the batteries when needed.

16 The Fire Department has
17 maintained statistics on one- and
18 two-family dwelling fires and the
19 presence and operability of smoke alarms
20 in the homes. During 2011, as an
21 example, smoke alarms were not present in
22 24.7 percent of the homes that had fires,
23 and in 17.7 percent of the fires, the
24 Fire Department was unable to determine
25 whether there was smoke alarms present or

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2 not. So that 24 percent number may be
3 higher.

4 Regarding the replacement of
5 batteries, in 34.3 percent of one- and
6 two-family dwellings, the smoke alarms
7 had no batteries, and in 22.2 percent,
8 the batteries were dead.

9 The proposed legislation should
10 improve the statistics, because the
11 Philadelphia Fire Department continues to
12 install smoke alarms with ten-year
13 batteries in one- and two-family
14 dwellings. Once installed, no battery
15 replacement is necessary for the life of
16 the smoke alarm and the batteries cannot
17 be removed.

18 The Fire Department supports
19 City Council in its effort to improve
20 fire safety in homes by this legislation.

21 Thank you.

22 COUNCILWOMAN SANCHEZ: Thank
23 you.

24 Any questions for this witness?

25 Councilman Jones.

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2 COUNCILMAN JONES: Thank you,
3 Madam Chair.

4 I want to thank you and the
5 Commissioner, also Local 22 for always
6 being out there in the community giving
7 away life-saving detectors. I first ran
8 into you guys at the Shop Rite at 52nd
9 and Jefferson, and people had come out
10 and were going door to door, Madam Chair,
11 to do this. It has almost become a
12 ritual in our city to, when the clocks
13 change, spring forward or fall back, to
14 check your batteries in your smoke
15 alarms. I think a ten-year battery makes
16 that obsolete and that we can just kind
17 of rest assured at least for a decade
18 that these alarms are operating.

19 We tend to forget when we
20 borrowed the battery to fix the
21 television remote and then didn't replace
22 it, and then when needed, it doesn't
23 work, it causes delays in response time.
24 And I just had an opportunity to talk to
25 members of your department and members of

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2 the brass and where their hearts are
3 broke, because a \$2 battery could have
4 saved a life.

5 DEPUTY CHIEF BAILEY: Yes. The
6 Fire Department agrees with those
7 comments. Thank you.

8 COUNCILMAN JONES: Thank you.

9 COUNCILWOMAN SANCHEZ: Thank
10 you very much.

11 Our next witness is Mike Kiley
12 from the American Red Cross, and I also
13 have testimony here from a staff member
14 there, Sylvia Ramos.

15 (Witness approached witness
16 table.)

17 COUNCILWOMAN SANCHEZ: You can
18 proceed. Your name for the record.
19 Welcome.

20 MR. KILEY-ZUFELT: My name is
21 Mike Kiley-Zufelt.

22 MS. RAMOS: My name is Sylvia
23 Ramos.

24 MR. KILEY-ZUFELT: Good
25 morning, Madam Chair, Councilmembers,

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2 distinguished guests, ladies and
3 gentlemen. I'm Mike Kiley-Zufelt, the
4 Manager of Community Resiliency for the
5 Southeastern Pennsylvania Chapter of the
6 American Red Cross. I'm here this
7 morning to testify in support of Bill
8 120278, which will require the use of
9 ten-year, non-removable batteries in
10 smoke alarms in one- and two-family
11 dwellings where exceptions have been made
12 with regard to smoke alarms receiving
13 their primary power from building wiring.
14 This important legislation will provide
15 more reliable smoke alarms in homes and
16 thus should help to reduce the number of
17 fire-related injuries and deaths in our
18 city.

19 I would like to begin this
20 morning by thanking Councilman Curtis
21 Jones, Jr. for inviting the Southeastern
22 Pennsylvania Chapter of the American Red
23 Cross to take part in this important
24 discussion.

25 I come from a family rich in

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2 this tradition of participation in the
3 fire service. My maternal grandfather
4 served for 16 years as Chief in the
5 volunteer fire company in the Northern
6 Delaware community where I grew up, and
7 my fraternal grandfather and three of my
8 uncles were volunteer firefighters as
9 well. My father is still active in the
10 firehouse, having served as President for
11 over 25 consecutive years. My father
12 retired 11 years ago as a State Fire
13 Marshal for the State of Delaware, having
14 worked in the Fire Marshal's Office since
15 1967. Part of my father's legacy while
16 serving as Fire Marshal was implementing
17 a smoke alarm education program in the
18 early 1980s that was copied in
19 jurisdictions around the United States.
20 So while I am not a firefighter myself,
21 my passion for and knowledge of fire
22 safety and education stems from a
23 lifetime of experience in the personal,
24 academic and professional areas of my
25 life.

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2 For the last ten years, I have
3 been employed by the Southeastern
4 Pennsylvania Chapter of the American Red
5 Cross and have overseen the delivery of
6 our youth disaster preparedness programs,
7 which includes those focusing on fire
8 safety and preparedness. During that
9 time, I have talked to thousands of young
10 people in Philadelphia about the
11 importance of working smoke detectors in
12 their homes. Many of these discussions
13 have involved students expressing their
14 concern over inoperative smoke alarms in
15 their homes.

16 Several years ago at a meeting
17 of the Philadelphia Youth Fatality Review
18 Team, we reviewed a case where one adult
19 and three children lost their lives in a
20 Philadelphia fire because a member of the
21 household had removed the battery from
22 the smoke alarm on the second floor to
23 replace the dead battery in the
24 television remotes and that battery was
25 never replaced. Requiring the use of

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2 non-removable batteries will prevent
3 tragedies such as this from occurring in
4 the future.

5 We know that smoke alarms save
6 lives. This legislation will put more
7 reliable smoke alarms in Philadelphia
8 homes. The Southeastern Pennsylvania
9 Chapter of the American Red Cross
10 supports this effort by City Council to
11 improve fire safety in homes and thus
12 save lives in our city.

13 Thank you very much.

14 COUNCILWOMAN SANCHEZ: Thank
15 you.

16 Any questions?

17 (No response.)

18 COUNCILWOMAN SANCHEZ: You may
19 proceed.

20 MS. RAMOS: Good morning, Madam
21 Chair, Councilmembers, Committee members
22 and guests. My name is Sylvia Ramos and
23 I'm a caseworker with the American Red
24 Cross, Red Cross House. I have been a
25 caseworker with the American Red Cross

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2 for the past eight years.

3 In my experience as a
4 caseworker, I have met hundreds of
5 families that have come to Red Cross
6 House after experiencing a fire. Many of
7 those families have lost someone as a
8 result of a fire or have been severely
9 injured as a result. Time and time again
10 we at Red Cross House say to ourselves,
11 If only they had working smoke detectors,
12 their family members would be alive
13 today.

14 I strongly believe that the
15 passing of this bill will save many
16 lives.

17 Thank you.

18 COUNCILWOMAN SANCHEZ: Thank
19 you. Thank you for your testimony this
20 morning.

21 Any questions?

22 (No response.)

23 COUNCILWOMAN SANCHEZ: No
24 questions. Thank you so much. Thanks
25 for coming.

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2 I have Antonio Ragsdale. If
3 not, Tom. And I can't pronounce that
4 last name. I'm not sure, but he'll
5 correct me. And then Mr. Victor Pinckney
6 from HAPCO. You want to join him up at
7 the front.

8 MR. PINCKNEY: Sure.

9 (Witnesses approached witness
10 table.)

11 MR. SRI: Good morning, Madam
12 Chairwoman and members of the Council.
13 Thank you very much for allowing us to be
14 here today. My name is Tom Sri. I'm
15 Government Affairs Manager for Kidde
16 Safety. Kidde appreciates the
17 opportunity to offer the following
18 comments in support of Bill No. 120278,
19 and we want to commend Councilman Jones
20 and the co-sponsors of the bill for their
21 commitment to promoting fire safety in
22 Philadelphia. I'd also like to thank
23 Commissioner Ayers and the Philadelphia
24 Fire Department for their unwavering
25 commitment to promoting fire prevention

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2 and fire safety education in all aspects
3 of their service to the City.

4 Kidde is the world's largest
5 manufacturer of home fire safety
6 products, carbon monoxide alarms and
7 smoke alarms. Kidde's mission is to
8 provide solutions that protect people and
9 property from the effects of fire and its
10 related hazards. Bill No. 120278 will
11 ensure that more homes in Philadelphia
12 are equipped with working smoke alarms.

13 Cities and states first started
14 requiring smoke alarms in homes in late
15 1970s and, as a result, fire deaths have
16 since been cut in half. Smoke alarms
17 that are properly installed and
18 maintained play a vital role in reducing
19 fire deaths and injuries. Yet according
20 to the latest research by the National
21 Fire Protection Association, the NFPA,
22 most fire deaths today, as Councilman
23 Jones pointed out, over two-thirds,
24 happen in homes where no smoke alarms or
25 no working smoke alarms are present.

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2 Power source issues are the
3 leading reasons why smoke alarms fail to
4 operate in home fires. Sixty-five
5 percent of U.S. residents have
6 battery-operated smoke alarms only in
7 their homes, according to the latest
8 American Housing Survey. NFPA found that
9 59 percent of these battery alarms failed
10 to sound in home fires between 2005 and
11 2009 because the batteries were missing
12 or disconnected. Another 28 percent of
13 these battery alarms failed due to dead
14 batteries.

15 In recent years, advancements
16 have led to smoke alarms that today
17 prevent consumer tampering and that can
18 power the alarm for a minimum of ten
19 years. These ten-year, tamper-resistant
20 smoke alarms go to the core of addressing
21 disablement and failed maintenance by
22 consumers and do so in a cost-effective
23 way.

24 By sealing the batteries into
25 the unit's housing and circuitry, we as

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2 manufacturers are able to make these
3 alarms tamper resistant. Further, the
4 battery cells utilized in these alarms
5 provide a minimum of ten years of
6 operation, which is consistent with the
7 recommended service life of smoke alarms,
8 as well as NFPA 72, which is the national
9 smoke alarm guidance standard.

10 These ten-year,
11 tamper-resistant smoke alarms are also
12 very affordable. The average ten-year,
13 tamper-resistant smoke alarm costs around
14 \$18 to \$20, roughly \$5 more than a
15 traditional battery-operated smoke alarm.
16 But since you don't need to replace the
17 alarm's batteries twice a year, around
18 daylight savings times, for example, you
19 actually save \$40 to \$60 in battery
20 replacement costs over the life of the
21 alarm.

22 There is recent evidence that
23 suggests the installation of ten-year,
24 tamper-resistant smoke alarms is
25 resulting in more working smoke alarms in

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2 homes. In 2010, the Center for Disease
3 Control completed a ten-year evaluation
4 of its smoke alarm installation program
5 where alarms with long-life lithium
6 batteries were installed in U.S. homes.
7 The CDC concluded of the alarms with the
8 original long-life lithium batteries
9 installed, over 80 percent were still
10 functional, indicating that if these
11 alarms remain in service with lithium
12 batteries, the alarms are still
13 operational.

14 Further, the Oregon State Fire
15 Marshal data suggests a 37 percent
16 decline in alarm failures due to dead or
17 missing batteries since 1999 when the
18 state began requiring that
19 battery-operated smoke alarms sold in the
20 state be sold with ten-year batteries.
21 And just last month in a study published
22 by researchers from the Johns Hopkins
23 Center for Injury and Research and Policy
24 concluded that more widespread use of new
25 ten-year lithium battery smoke alarms

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2 would make it easier for residents to
3 keep their homes and families protected.

4 In closing, Kidde commends
5 Councilman Jones and the members of the
6 Committee for elevating the need for
7 homes to be equipped with working smoke
8 alarms. Smoke alarms that are properly
9 installed and maintained play a vital
10 role in reducing fire deaths and
11 injuries, and according to the NFPA,
12 having a working smoke alarm cuts the
13 chance of dying in a reported fire in
14 half. We urge you to support Bill No.
15 120278, as its implementation will ensure
16 more Philadelphia residents will be
17 better protected.

18 Thank you for the opportunity
19 to address this life-safety issue, and we
20 hope that you will call on Kidde to be a
21 resource for you at any time.

22 COUNCILWOMAN SANCHEZ: Thank
23 you.

24 Any questions?

25 You're going to wait for

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2 Mr. Pinckney.

3 Mr. Pinckney, good morning.

4 MR. PINCKNEY: Good morning,
5 Chairwoman Sanchez and the L&I Committee.
6 My name is Victor H. Pinckney. I am the
7 President of HAPCO. Thank you for the
8 opportunity to speak concerning Bill
9 120278.

10 This bill is a no-brainer.
11 Anything that will help reduce the loss
12 of life from a fire is a good thing.
13 This bill partially addresses one of the
14 major complaints of landlords concerning
15 tenants and smoke detectors. While it
16 would not totally deal with the problems
17 of tenants removing smoke detectors, it
18 reduces the reason for doing so.

19 Though the passage of this bill
20 will double the cost of smoke detectors
21 in a single-family dwelling, this is a
22 cost most rental property owners will
23 bear happily to ensure the safety of
24 their tenants. In fact, HAPCO is
25 actually in negotiations to do a joint

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2 venture with the Fire Department on
3 distributing at cost the smoke detectors
4 to our members for their rental
5 properties. We are also looking into
6 distributing a sizable amount of smoke
7 detectors for free to the general public
8 via the Fire Department. Chief Ayers
9 would like this free giveaway to take
10 place in October, which is Fire Safety
11 Month.

12 So you can see HAPCO
13 enthusiastically supports the passage of
14 this bill.

15 Thank you, Chairwoman Sanchez
16 and Committee, for your time, and
17 hopefully we can continue this
18 collaboration of the private and public
19 sector in the future.

20 COUNCILWOMAN SANCHEZ: Thank
21 you.

22 Before I recognize Councilman
23 Jones, I wanted to make sure for the
24 record Councilman Squilla has also joined
25 us.

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2 Councilman Jones.

3 COUNCILMAN JONES: Thank you
4 for the work you do. Out of curiosity, a
5 quick question. As we've evolved in
6 smoke detectors and we continue to evolve
7 with the non-removable battery, where can
8 we look to -- and I know we have carbon
9 issues that have caused deaths and where
10 smoke stacks have backed up and really
11 caused fatalities. Silent killer is this
12 other toxin.

13 How many toxins, I guess, and
14 life-threatening gases can we eventually
15 detect in a home based on technology in
16 the future?

17 MR. SRI: Thank you, Councilman
18 Jones. I'm assuming you're referring to
19 carbon monoxide, which certainly is
20 prevalent in any home that has a
21 fuel-burning fire appliance, whether that
22 be a heater, a water heater, a stove, a
23 fireplace. So very common in most homes.
24 Over 90 percent of homes have these
25 things. And there is technology that

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2 obviously detects both carbon monoxide
3 and also fire. We and the other
4 manufacturers in the industry also make a
5 combination device that detects both, so
6 you don't have to have more than one
7 unsightly object on your ceiling.

8 But those are the two main
9 prevalent gases. There's certainly the
10 concerns for natural gas, which there are
11 gas detectors for that.

12 So the industry has certainly
13 evolved, and there are very much
14 affordable products on the market today
15 for consumers.

16 COUNCILMAN JONES: Any comment
17 from you?

18 MR. PINCKNEY: No. He's pretty
19 much addressed it as far as the carbon
20 monoxide detectors and the smoke
21 detectors. We're aware of the fact there
22 are combinations. As I understand it,
23 the City does require now that we put
24 carbon monoxide detectors in our rental
25 properties, which we do.

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2 COUNCILMAN JONES: Okay.

3 Thank you so much, Madam Chair.

4 COUNCILWOMAN SANCHEZ: Thank
5 you, Councilman Jones.

6 Anyone else here to testify?

7 (No response.)

8 COUNCILWOMAN SANCHEZ: Seeing
9 none, this concludes our public hearing.
10 We will now enter into our public meeting
11 of the Committee on Licenses and
12 Inspections.

13 Will the Clerk read the bill
14 again.

15 COUNCILMAN GREENLEE: You don't
16 have to read the bill.

17 COUNCILMAN JONES: Thank you.

18 COUNCILWOMAN SANCHEZ:
19 Councilman Jones, for a motion on Bill
20 120278.

21 COUNCILMAN JONES: Thank you,
22 Madam Chair. I make a motion that Bill
23 No. 120278 be reported out of Committee
24 with a favorable recommendation and that
25 the rules of Council be suspended, thus

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2 allowing the reading at our next
3 scheduled meeting.

4 (Duly seconded.)

5 COUNCILWOMAN SANCHEZ: All in
6 favor?

7 (Aye.)

8 COUNCILWOMAN SANCHEZ: Any
9 opposition?

10 (No response.)

11 COUNCILWOMAN SANCHEZ: Being
12 none, Bill No. 120278 will be voted out
13 of this Committee with a favorable
14 recommendation and further moved that the
15 rules of Council be suspended to allow
16 first reading at our next public session.

17 Thank you, everyone, for coming
18 this morning. That concludes our
19 meeting.

20 (Committee on Licenses and
21 Inspections concluded at 10:40 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on June 11, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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direct control and/or supervision of the
certifying reporter.)

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