

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 3516

# STATE OF NEW JERSEY

DATED: MARCH 16, 2023

The Senate Budget and Appropriations Committee reports favorably a committee substitute for Senate Bill No. 3516.

This committee substitute establishes the “Fire Life Safety Damper and Smoke Control System Inspection Verification Act” as a supplement to the “Uniform Fire Safety Act,” P.L.1983, c.383 (C.52:27D-192 et seq.). The committee substitute defines a smoke control system as a system that helps contain, minimize, or reroute the flow of smoke through a building which also helps create safer egress routes for building occupants and emergency response teams. The committee substitute differentiates between dedicated and non-dedicated smoke control systems. The committee substitute also defines a fire damper as a device installed in an air distribution system, designed to close automatically upon detection of heat, to interrupt migratory airflow and to restrict the passage of flame; and includes devices installed in air conditioning systems to close automatically upon detection of heat, to interrupt migratory airflow, and to restrict the passage of flames. A fire damper also includes a combination fire and smoke damper system.

Under the committee substitute, a newly-installed smoke control system in all buildings other than single-family, two-family, and attached single-family structures used exclusively for dwelling purposes, is subject to fire and life safety system testing as follows:

#### Smoke Control Systems

- non-dedicated smoke control systems are to be subject to smoke control system testing every 12 months; and
- dedicated smoke control systems are to be subject to smoke control system testing every six months.

#### Fire Life Safety Dampers

- fire dampers, smoke dampers, and fire combination fire and smoke dampers are required to be inspected and tested no less than once after the first year of installation and once every four years thereafter, except for hospitals; and
- fire dampers, smoke dampers, and combination fire and smoke dampers in hospitals are required to be periodically inspected and tested no less than once after the first year of installation and once every six years thereafter.

The committee substitute provides that smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems are to be maintained and tested in accordance with the manufacturer's instructions, maintained, and required periodic inspections.

Under the committee substitute, a contractor and associated technician that provides smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems testing services is required to hold certain certifications, as specified in the committee substitute.

A person performing smoke dampers, fire dampers, combination fire and smoke dampers, and smoke control systems testing services is required to:

- be employed by a certified contractor or an enforcing agency;
- have successfully completed an approved skill training program or be enrolled in an approved skill training program and be working under the supervision of a person having completed such a program; and
- hold the appropriate certification from the ICB as an Fire and Smoke Damper Technician, Smoke Control System Testing Technician, or an equivalent certification from an organization that has been accredited under the ISO/IEC 17024 Personnel Certification standard in HVAC Fire Life Safety Damper inspections or Smoke Control System inspections.

The committee substitute establishes processes for certifying buildings tested under the bill, and subjects building owners to certain penalties for violations.

Existing law, section 12 of the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-203), allows municipalities to cover the cost to the municipality of conducting inspections by establishing fees to pay the cost of enforcing the "Uniform Fire Safety Act."

#### FISCAL IMPACT:

The Office of Legislative Services has concluded that the bill will result in an annual indeterminate increase in costs to the Department of Community Affairs and local governments enforcing the Uniform Fire Safety Code to conduct additional safety testing of smoke control systems and fire life safety dampers. State agencies and local governments that have smoke control systems and fire life safety dampers in their buildings would incur additional administrative costs under the bill and also may be subject to fees to have the required safety tests performed. State and local enforcing agencies would potentially experience a revenue increase for the collection of any fee that may be established. The State and local government also may collect an indeterminate amount of fine revenue from building owners violating the provisions of the bill or the technical codes or regulations adopted pursuant to the bill.