**ALASKA STATE LEGISLATURE**
**SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE**
February 22, 2022
1:46 p.m.

**MEMBERS PRESENT**

Senator David Wilson, Chair
Senator Shelley Hughes, Vice Chair
Senator Mia Costello
Senator Lora Reinbold

**MEMBERS ABSENT**

Senator Tom Begich

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S):
Alaska Mental Health Trust Authority Board of Trustees
Kevin Fimon - Anchorage

- CONFIRMATION ADVANCED

SENATE BILL NO. 169
"An Act relating to the inspection and testing of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems; and providing for an effective date."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 169
SHORT TITLE: SMOKE/FIRE DAMPERS & SMOKE CTRL SYSTEMS
SPONSOR(s): SENATOR(s) COSTELLO

| | | |
|---|---|---|
| 01/21/22 | (S) | READ THE FIRST TIME - REFERRALS |
| 01/21/22 | (S) | HSS, FIN |
| 02/22/22 | (S) | HSS AT 1:30 PM BUTROVICH 205 |

**WITNESS REGISTER**

KEVIN FIMON, Appointee
Alaska Mental Health Trust Authority Board of Trustees
Department of Revenue (DOR)

Anchorage, Alaska
**POSITION STATEMENT:** Testified as the governor's appointee.

MELODIE WILTERDINK, Staff
Senator Mia Costello
Alaska State Legislature
Juneau, Alaska
**POSITION STATEMENT:** Presented SB 169 and the sectional analysis on behalf of the sponsor.

JENS SCHURIG, Organizer
Sheet Metal Workers Local 23
Anchorage, Alaska
**POSITION STATEMENT:** Presented an overview and testified by invitation on SB 169

RICHARD BOOTHBY, State Fire Marshall
Division of Fire and Life Safety
Department of Public Safety (DPS)
Willow, Alaska
**POSITION STATEMENT:** Testified by invitation on SB 169.

SCOTT HAMMOND, Research Director
National Energy Management Institute Committee (NEMIC)
Falls Church, Virginia
**POSITION STATEMENT:** Testified in support of SB 169.

ELIZABETH JOHNSTON, Board Chair
Alaska Board of Architects, Engineers, and Land Surveyors (AELS)
Fairbanks, Alaska
**POSITION STATEMENT:** Testified with concerns on SB 169.

**ACTION NARRATIVE**

1:46:41 PM
**CHAIR DAVID WILSON** called the Senate Health and Social Services Standing Committee meeting to order at 1:46 p.m. Present at the call to order were Senators Costello, Hughes, Reinbold, and Chair Wilson.

## CONFIRMATION HEARING(S)
## Alaska Mental Health Trust Authority Board of Trustees

1:47:19 PM

CHAIR WILSON announced the consideration of governor appointee Kevin Fimon to the Alaska Mental Health Trust Authority Board of Trustees.

1:47:52 PM
KEVIN FIMON, Appointee, Alaska Mental Health Trust Authority Board of Trustees, Department of Revenue, Anchorage, Alaska, stated he was appointed to the board pending confirmation last July. He came to Alaska 44 years ago and lived in Nome for 11 years. In 1991 he received a degree in business accounting and operated a tax preparation business for 31 years. His wife, Karen McCurry, is a doctor. They have been married for 26 years and are involved with community and charity organizations. He opined that the Alaska Mental Health Trust Authority is a unique organization. It has strong leadership and a caring staff. Trust beneficiaries are fellow citizens and serving on the board would offer an powerful way to draw on his experience. He would hope to present innovative ideas and be efficient with resources to improve the lives of beneficiaries. Improving the lives of beneficiaries improves the lives of all Alaskans.

1:50:28 PM
CHAIR WILSON asked what seat he would fill on the board.

MR. FIMON said he would be in charge of the committee for audit and risk once confirmed.

1:51:05 PM
SENATOR HUGHES stated his resume shows that he is experienced in accounting, budgets, and non-profits. She asked if he had experience working with the Mental Health Trust beneficiary population.

MR. FIMON stated that living in Nome gave him a personal concern for suicide prevention. Its devastating effects have touched many people in the state. He is aware of legislators' concern for remote communities. He opined that he might bring some insight and understanding to solving the problem since he lived in a rural community.

SENATOR HUGHES replied that she is pleased he is aware of Alaska's high suicide rate and thanked him for being willing to serve.

1:53:10 PM

CHAIR WILSON asked what the contributing role and responsibility of the Alaska Mental Health Trust is in financing the Alaska Psychiatric Institute.

MR. FIMON replied that he is aware of issues and is not averse to the Mental Health Trust being involved in that funding. He stated he would like more collaboration and cohesiveness between the governor's administration and the Mental Health Trust, perhaps even helping to facilitate it. He said the Mental Health Trust has provided some funding to API. He is in favor of funding that falls under the protocol and would help the beneficiaries.

1:54:26 PM
CHAIR WILSON asked if he plans to participate in campaigning activities this year, as he has done previously.

MR. FIMON replied that he was the treasurer for Governor Dunleavy's campaign in 2018 and is currently the treasurer. He stated that he would remove himself if this were a conflict.

1:55:11 PM
At ease.

1:56:03 PM
CHAIR WILSON reconvened the meeting and asked for further questions from the committee.

1:56:12 PM
CHAIR WILSON opened public testimony on the appointment of Kevin Fimon to the Mental Health Trust Board; finding none, he closed public testimony.

1:56:33 PM
CHAIR WILSON solicited a motion.

1:56:36 PM
SENATOR HUGHES stated that in accordance with AS 39.05.080, the Senate Health and Social Services Standing Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Alaska Mental Health Trust Authority Board of Trustees
Kevin Fimon - Anchorage

SENATOR HUGHES reminded members that signing the reports regarding appointments to boards and commissions in no way

reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

1:57:12 PM
At ease.

## SB 169-SMOKE/FIRE DAMPERS & SMOKE CTRL SYSTEMS

1:59:44 PM
CHAIR WILSON reconvened the meeting and announced the consideration of SENATE BILL NO. 169 "An Act relating to the inspection and testing of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems; and providing for an effective date."

2:00:11 PM
SENATOR COSTELLO, speaking as sponsor of SB 169, stated this legislation is a companion to a House Bill that seeks to decrease building fires through additional training.

2:00:43 PM
MELODIE WILTERDINK, Staff, Senator Mia Costello, Alaska State Legislature, Juneau, Alaska, presented the sponsor statement for SB 169 on behalf of the sponsor:

[Original punctuation provided.]

> Fire dampers, smoke dampers, combination fire smoke dampers, and smoke control systems all work to prevent the spread of fire and smoke in public and commercial buildings. These critical life safety systems allow individuals to exit buildings with significantly reduced risk of smoke inhalation, and they keep pathways clear of smoke and fire for rescue crews.
>
> When a fire breaks out in one room, fire and smoke dampers seal the ductwork to prevent it from transferring rapidly through the walls to many other rooms. Smoke control systems pressurize the air in stairwells to prevent smoke from entering, allowing for safe egress for building occupants and ingress for firefighters.
>
> Most fire-related fatalities are not caused by burns but by smoke inhalation, which these systems are installed to prevent. When fire and smoke dampers go

without inspection or testing for many years, the motors and mechanisms can fail, often sealing the ductwork shut. To solve the problem of a blocked air duct, HVAC technicians and maintenance crews often prop the seals open, not understanding their purpose and rendering the systems completely ineffective in the case of an emergency.

Senate Bill 169 would direct the Department of Public Safety to adopt regulations that require the inspection and testing of fire dampers, smoke dampers, and smoke control systems by an individual who has a current fire and life safety certification issued through a program accredited by the American National Standards Institute.

2:02:48 PM
MS. WILTERDINK presented the sectional analysis for SB 169:

**Sec. 1 – AS 18.70.080(b) Page 1, Lines 5-12**
Is amended to add subsection (b)(2) which allows the commissioner of public safety to establish regulations, and the Department of Public Safety to charge reasonable fees, for the inspection and testing of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems to determine compliance with regulations established in the following section of the bill.

**Sec. 2 – AS 18.70.080(c) and (d) Page 1, Lines 13-14 & Page 2, Lines 1-25**
Amends AS 18.70.080 to add subsection (c) which states that the Department of Public Safety must adopt regulations regarding the inspection and testing of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems that are consistent with the National Fire Protection Association's 2021 and 2022 published standards for fire doors, smoke control systems, and smoke door assemblies.

AS 18.70.080(c)(1-4) specifics that these regulations must apply to mental institutions, penal institutions, group residential facilities, intermediate care facilities, nursing homes, hospitals, schools, public assembly buildings, state and municipal buildings, and

any other buildings in which such systems have been installed.

Further amends AS 18.70.080 to add subsection (d) which specifies that the regulations adopted under subsection (c) must require that the inspection and testing of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems be done by a fire and life safety inspection program of the state or a municipality, or by an individual that has a current fire and life safety certification, issued through a program accredited by the American National Standards Institute. Findings of noncompliance resulting from the inspection or testing must be submitted to the owner of the building and the state fire marshal.

**Sec. 3 – AS 37.05.146(c)(37) Page 2, Lines 26-30**
Is amended to insert that the fees established under section 1 of this bill, AS 18.70.080(b), for fire and life safety plan checks and the inspection and testing of fire dampers, smoke dampers, combination fire and smoke dampers, and smoke control systems are accounted for separately, and appropriations from the receipts are not made from the unrestricted general fund.

**Sec. 4 Page 2, Line 31**
Provides an effective date of January 1, 2023.

2:06:06 PM
SENATOR REINBOLD asked how much the training costs.

JENS SCHURIG, Organizer, Sheet Metal Workers Local 23, Anchorage, Alaska, stated that the training cost varies. Anyone can obtain training through the American National Standards Institute (ANSI). His international union spent about $25,000 to get ANSI accreditation. The price varies depending on how many people take the course.

SENATOR COSTELLO clarified that the question was how much it would cost an individual to become certified, not a trainer.

MR. SCHURIG replied that certification would cost approximately the same as a journeyman license, which is $125 per year to renew. The individual generally pays the renewal fee.

2:08:16 PM

SENATOR REINBOLD stated she was asking about an individual's cost for the training. She asked for confirmation that there is a training cost not just a license fee.

MR. SCHURIG answered that out-of-state companies offer the 16-hour minimum training and test, but he does not know the cost.

2:08:47 PM
SENATOR REINBOLD asked if it was union training or company training.

2:08:59 PM
MR. SCHURIG stated that for a sheet metal union member to be eligible for the training, they donate 16 cents per hour to dues. He is not sure what non-union workers would pay.

MS. WILTERDINK said union dues cover the training cost for union members.

2:09:40 PM
SENATOR REINBOLD asked for follow-up information concerning how the training and inspections required by SB 169 would drive up costs for state-owned buildings and commercial property owners. She would like to know the cost of certifying a trainee because, the cost will eventually be borne as an increase in the state budget or by consumers. She asked if SB 169 is a pro-union bill.

MR. SCHURIG stated that SB 169 is not a pro-union bill. It was written so anyone could get the training. For a contractor to bring an instructor to Alaska to get non-union employees certified, the cost would entail airfare, three days at a hotel, and the instructor's wages. Regarding an increased cost to the state, he replied that millions of dollars had been spent installing fire and smoke damper systems. In his experience, many systems are not in working order, making them a loss. Maintaining the systems is effectively a cost savings. He likened it to buying a new car and then not putting oil in it. It is cheaper to do an oil change than replace an engine.

2:12:25 PM
SENATOR HUGHES asked whether HVAC technician training includes basic information on the purpose and function of fire and smoke dampers.

MS. WILTERDINK opined that that lifesaving ventilation systems are not part of the training HVAC technicians receive.

2:14:04 PM
SENATOR HUGHES opined that if there is concern about safety in schools and other buildings, HVAC technicians should be trained not to disable lifesaving ventilation systems. She noted public and private building uses are mentioned on page two of SB 169. She questioned whether fairground buildings, bingo halls, restaurants, or bars could be considered entertainment. She expressed concern about placing additional fees on private businesses. She asked how much the Department of Public Safety would charge for an inspection fee.

2:16:09 PM
SENATOR COSTELLO replied that in SB 169, page 1, language not in the bold font was already in statute. Therefore, the commissioner of public safety by regulation already establishes the minimum standard of compliance for fire detection and suppression equipment plan checks for the buildings listed. She stated she did not think SB 169 would affect a fairground unless a building was constructed where people would meet.

2:17:07 PM
SENATOR HUGHES said that it is important to be aware that in SB 169, on page 1, businesses are charged a fee for general inspection. The fee to businesses would increase by adding a damper inspection. She opined that the fee amount should be known. She noted that in Section 2, subsection (c)(4) on page 2, lines 15 - 16, the term "other buildings" is listed. She asked if homes are ever built with damper systems that could cause homeowners to incur a fee.

SENATOR HUGHES asked how much inspection fees would increase due to the addition of damper inspections and whether the fee increase would vary by building size. She also asked whether some homeowners would need to pay an inspection fee.

2:18:42 PM
RICHARD BOOTHBY, State Fire Marshall, Division of Fire and Life Safety, Department of Public Safety (DPS), Willow, Alaska, stated that the current statute gives authority to charge for plan checks, which is the plan review portion of the damper fire and smoke control systems. The department does not yet have the authority to charge for inspections, nor does its personnel have the necessary certification to do the inspections. To meet the requirements of SB 169, they will need to be trained. He said inspections could lead to fee increases. For example, consider the locations of Alaska's rural schools. Schools are statewide, and there will be travel costs associated with the inspection.

The department currently uses codes 2012 and 21. It already has provisions for inspections to be completed but does not address training.

2:20:18 PM
SENATOR HUGHES said that the fee that can currently be charged is for when a building is in the planning stage. Staff will first need to be trained and certified before performing scheduled inspections and testing of damper systems following installation. She asked what the price range for inspections would be if SB 169 were to pass and staff became certified.

2:21:18 PM
MR. BOOTHBY said it is correct that there is no charge for any inspection to date. Damper fire and smoke system inspections would be the first inspections to have a fee. It is also correct that staff would need additional training and certification to do the inspection. There will be a cost for staff to travel, and staff may need to be hired to assist the five deputies who do other inspections. An analysis would need to be done to determine how many buildings would need to be inspected and how much staff would be required.

SENATOR HUGHES reasoned that since a dollar amount was not offered, the fee could be estimated based on airfare and labor. She asked whether a homeowner would ever need to pay for a damper inspection.

2:22:46 PM
MR. BOOTHBY replied that single-family residential homes would not need to be inspected. Residencies such as assisted living homes that are zoned R4 high-density housing could be charged if the building has fire barriers or firewalls. Other institutional housing, like those listed in SB 169, would be subject to the fee.

MR. SCHURIG stated he had been a sheet metal worker for 20 years. He has been a test inspector of fire and smoke dampers and smoke control systems for the past seven years, mainly in hospitals. He has found the systems to have a sizeable fail rate. He stated his belief that this is partly due to other contractors not having proper and continued training.

2:24:35 PM
MR. SCHURIG stated there are eight components to the fire life safety ecosystem, and each plays a critical role in protecting property. The eight components are: government responsibility,

development and use of current codes, referenced standards, investment and safety, skilled workforce, code compliance, preparedness and emergency response, and informed public. He stated that SB 169 would help maintain the system by mandating that people doing the inspections have proper training and certification.

2:25:34 PM
MR. SCHURIG turned to slide 3 and showed an example of a fire damper that uses a remote switch to indicate whether a gate is open or closed. Some links in the damper were broken, so the switch indicated it was closed, even though it did not fully close. A technician needs to be physically present and watch the gate actuate to do a proper inspection.

2:26:22 PM
SENATOR COSTELLO asked how the building was being used.

MR. SCHURIG stated it was a commercial building. He said he did not take all the pictures. The pictures represent the "Hall of Shame" for dampers and are a nationwide compilation.

2:26:57 PM
MR. SCHURIG advanced to slide 4 and said it is common to see data cables run through an open fire damper because it is an easy shortcut. He moved to slide 5, which showed plumbing pipes passing through a damper. Both make it impossible for the damper to shut. He stated such instances are not uncommon and showcase why periodic inspections need to be done.

2:27:30 PM
CHAIR WILSON asked who is liable when a damper is blocked from operating.

MR. SCHURIG opined that the person who installed it would be liable. They would need to be notified and back charged. However, this is difficult even when good records have been kept. It is better to be diligent and do timely inspections.

2:28:17 PM
MR. SCHURIG said that using a zip tie to hold open a damper is similar to what happened in the 1980 MGM fire where 85 people died. Pictures in the report show wires were used to replace missing links. A properly trained person would know what a fusible link is, the temperature at which it melts, and where a replacement could be obtained. Through training, people learn how to make an easy fix correctly. Not squaring a damper during

installation can keep it from shutting. A person doing a walk-by inspection would not realize its dysfunction until they attempted to close it.

2:29:54 PM
MR. SCHURIG moved to slide 9 and stated it was a picture he took in Alaska where a cup was used to prop open a damper. A 40-year-old pop-top beer can was also found keeping a damper open. Unlike the cup and can, which could burn in a fire, items like rocks would never let a damper close.

2:30:35 PM
MR. SCHURIG moved to slide 12 and said that there are different life safety system trades, and technicians do not necessarily understand how the other systems operate, as seen in the photo where the conduit for a fire alarm is run through an HVAC fire damper.

2:31:14 PM
MR. SCHURIG advanced to slide 13 and pointed out that a fire damper can appear operational from a distance. However, upon closer inspection, the link to hold the damper open had been broken and replaced with wire, which is the same scenario as the MGM hotel fire. HVAC damper systems are important because according to the National Fire Protection Association (NFPA), smoke travels at 120-420 feet per minute during an active fire. Statistics show that approximately 70 percent of all building-related deaths are associated with smoke inhalation, and most victims are not located in the same room as the origin of the fire. HVAC systems penetrate every occupied space in a building. Dampers within the HVAC system are critical to the flow control of fire, smoke, and toxic gasses. The MGM Hotel fire started on the first floor. Smoke went through the mechanical shaft, and most people perished on the upper floors. The systems are designed to keep smoke out of safe paths of egress. Guests heard the fire alarms, left their rooms without the room key, entered a smoke-filled hallway, and could not renter their rooms.

2:33:01 PM
SENATOR HUGHES asked how many people died in the MGM fire.

MR. SCHURIG replied that 85 people died and 117 were injured, including firefighters.

2:33:49 PM
MR. SCHURIG advanced to slide 22 and spoke to a recent study by Dr. James Milke, Chair of the Department of Fire Protection

Engineering at the University of Maryland, on the viability of HVAC dampers. The study is a compilation of contractors' information from the United States. The study concluded that 1,441 buildings contained 170,354 fire dampers, smoke dampers, and combination fire and smoke dampers; of these dampers, 81,038 needed repair. He determined that 47.5 percent of dampers required repair. Dr. James Milke has authored two well-known books and is highly respected in the industry.

2:35:24 PM
MR. SCHURIG said damper inspection follows International Fire Code (IFC), which is based on the National Fire Protection Association (NFPA) standard. The code states that each damper will be inspected in the commissioning process, the year following, and then every four years, with the exception that hospitals are inspected every six years. Fire alarm and sprinkler systems are annually inspected. So, the cost of an inspection is essentially a quarter of what would be paid for fire and sprinkler systems. However, he stated that in his experience inspections on damper systems do not happen according to code. He said that Juneau follows 2012 IFC code, Fairbanks follows 2015, and Anchorage recently adopted 2018.

2:37:00 PM
MR. SCHURIG moved to slide 27 and stated there are three required tests for the installation, testing, and maintenance of fire, smoke, and combination dampers. Operational testing is done after the damper is installed but prior to occupation. Acceptance testing is done after the damper and associated HVAC and Fire Life Safety (FLS) controls are operational. Periodic testing is done one year after acceptance testing and then every four years thereafter. For reasons of sterilization and intrusiveness, hospitals are only inspected every six years. The testing procedure includes visual confirmation of proper operation. The 2019 NFPA code allows for remote inspection of dampers that have that capability after an initial visual inspection has been performed. He stated that 2019 NFPA 105 covers code for smoke and that the timing for inspections is the same as 2019 NFPA 80 for fire.

2:38:21 PM
SENATOR COSTELLO asked if heat triggers both fire and smoke dampers to close.

MR. SCHURIG said fire dampers are mechanical and close when a link melts at 165 degrees Fahrenheit. Smoke dampers have a motor that is connected to the fire alarm system. The motor is

activated and closes the damper when an alarm is pulled or a fire detector goes off. Combination dampers have a motor with an electronic fusible link. The fuse pops at either 165 or 212 degrees Fahrenheit.

2:39:28 PM
SENATOR COSTELLO asked if combination dampers are harder to install and repair and if they fail more often because they are more complex.

2:39:46 PM
MR. SCHURIG replied yes. He stated that in his experience, any motor installed before the year 2000 does not work. It is a common occurrence for older motors to be fried leaving the damper stuck in either the open or closed position. He said that he tested 39 dampers at a rural hospital in Alaska and 37 of the motors failed in the open position. He stated that he also tested dampers at a large Alaskan hospital built in 1999 and found that none of the dampers worked. When the temperature in a room is too hot, a person will call maintenance and complain. Maintenance will find that a motor is dead and undo the linkage to open the damper for ventilation and unknowingly create a problem.

2:41:32 PM
SENATOR REINBOLD stated she found it alarming that these issues are common and asked how much damage can be done and what the impacts are.

MR. SCHURIG replied think about costs. A small nuisance fire could become catastrophic if all the systems were not working. He stated that from personal experience, and Dr. Milke's study, he knows that many of the HVAC Life Safety Systems are not functioning. He described the consequences of a fire alarm system failing. People on the upper floors would not be aware of the fire until smoke traveled through the ducts and filled the stairwells, leaving no safe egress because the fire would have made the elevators inoperable. If the fire alarm system worked, most people would have time to evacuate. It is usually the elderly and children who do not evacuate in time. He added that first responders also need a safe path of egress, but if the system is not working, they would not have it. He stated that people in a recent New York fire died because there was no safe egress. The smoke control system functioned but stairwell doors had been propped open allowing smoke to fill the stairwell.

2:43:47 PM

SENATOR REINBOLD asked if the bill has any impact on carbon monoxide detectors. She had a recent experience that made her aware of its danger and installed a detector. She asked if inspections would be done for carbon monoxide detectors.

MR. SCHURIG replied no. He stated that although humans should not breathe smoke or carbon monoxide, they are different. He said he would like to speak on air quality in the future.

2:45:09 PM
MR. SCHURIG moved to slide 34 and stated that another problem technicians encounter is access doors being too small to do a physical inspection where the damper link is dropped, cleaned, lubricated, or replaced. He stated he had seen access doors as small as six inches but, from personal experience, knows that 16 inches is needed to fit into the duct. He stated that code requires a 12-inch square minimum opening, and damper access panels are to be labeled in half-inch font, yet it is uncommon. Unlike sprinklers and fire alarms, dampers are out of sight, so it is easy not to think about them. Getting to the damper is not always easy, so training in problem solving is needed.

2:47:11 PM
MR. SCHURIG opined that only people who are certified through a program accredited by ANSI under the International Organization for Standardization (ISO) / International Electrotechnical Commission (IEC) 17024 standard should be employed to do the inspections for purposes of quality control. SB 169 seeks to raise the standard of testing to meet that of other Life Safety Systems. Currently, anyone with HVAC knowledge can test and inspect the smoke and fire damper system, which is part of the problem. Standards for testing fire and smoke dampers were instituted in the early 1900s, and then in 2007, the standards were introduced into the national fire code.

2:49:01 PM
MR. SCHURIG moved to slide 43 and stated fire dampers and butterfly dampers have fusible links. In contrast, the combination fire and smoke damper has an electronic fusible link that connects to the motor. The motor allows the door to open and shut. It is the same Honeywell model that had a recall. Fire dampers became common in the 1930s, and smoke dampers in the 1950s.

2:49:33 PM
SENATOR REINBOLD stated she passionately disagrees with mask mandates because of the bacteria incubation and hypoxia mask-

wearing causes, especially in children. She said she is concerned about air quality for children and would like to know more about the air quality in schools.

2:50:16 PM
SENATOR HUGHES stated she agrees that technicians who inspect the systems should be certified and proficient. However, she opined that others who work with or around HVAC systems should also be trained so that the system is not unknowingly made inoperable. She asked if he agreed that others should have the training.

2:50:49 PM
MR. SCHURIG replied that maintenance workers do not perform fire alarms or sprinkler systems tests. SB 169 is trying to prevent maintenance workers from being able to perform fire and smoke damper inspections because they are part of a building's lifesaving system. A third-party contractor should do maintenance of lifesaving systems. Usually, the fire marshal receives a report from the third-party contractor saying testing and maintenance have been performed. The fire chief then inspects the report. He stated that Mr. Boothby and his staff are authorities having jurisdiction (AHJ), so they can be inspectors without extra training.

2:51:48 PM
SENATOR HUGHES restated her question and asked should maintenance people and others who work around HVAC systems be given awareness training so that the dampers are not made inoperable.

MR. SCHURIG replied yes, and SB 169 will help raise awareness of the problems. He stated that having maintenance test safety systems is a conflict of interest.

SENATOR HUGHES stated she was not suggesting that building maintenance should test safety systems but should know how they work.

2:53:00 PM
MR. SCHURIG stated that maintenance workers would become knowledgeable by enforcing inspections because a technician typically interacts with maintenance during inspections.

2:53:28 PM
CHAIR WILSON opened public testimony on SB 169.

2:53:38 PM
SCOTT HAMMOND, Research Director, National Energy Management Institute Committee (NEMIC), Falls Church, Virginia, stated he has worked in the HVAC industry since 1986. He serves as a technical committee member for the International Certification Board (ICB), which developed and maintained certifications accredited by the American National Standards Institute (ANSI) for fire and smoke damper technicians. He stated that with 47.5 percent of dampers needing repair, SB 169 would require a trained workforce to perform periodic physical inspection and maintenance, resulting in increased awareness.

2:55:02 PM
ELIZABETH JOHNSTON, Board Chair, Alaska Board of Architects, Engineers, and Land Surveyors (AELS), Fairbanks, Alaska, stated she is a professional electrical engineer and fire protection engineer. She serves on the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors. She stated that the Alaska State Fire Marshall adopted the International Fire Code, which says in section 909 that dampers shall be tested in the installed condition. SB 169 is duplicative in that it tells the Department of Public Safety to adopt a code that has already been adopted. Alaska has not yet adopted NFPA 80, 92, or 105, which are referenced in SB 169. She said the codes speak to damper inspections and should be included in the legislation. She said while SB 169 sets a standard for performing inspections, it limits approved certification to ANSI and a state or municipality's Fire and Life Safety Inspection Program. It is concerning that SB 169 does not allow qualified fire protection, mechanical, control, or electrical engineers, who are qualified by their training and experience, to do the inspections. She stated her belief that SB 169 should be amended to allow the work to be done by engineers without having to obtain additional ANSI certification.

2:57:08 PM
CHAIR WILSON closed public testimony on SB 169.

2:57:24 PM
SENATOR COSTELLO asked Mr. Schurig to comment on public testimony regarding certification standards.

MR. SCHURIG stated that fire safety engineers should be allowed to inspect fire and smoke damper systems as he was mistaken in thinking they were ANSI certified. He would be willing to have SB 169 amended.

2:58:04 PM
At ease.

2:58:30 PM
CHAIR WILSON reconvened the meeting and held SB 169 in committee.

2:59:42 PM
At ease.

3:00:06 PM
CHAIR WILSON reconvened the meeting and finding no further business to come before the committee, adjourned the Senate Health and Social Services Standing Committee meeting at 3:00 p.m.