



NEW YORK
CITY BAR

ANIMAL LAW COMMITTEE

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May 16, 2014

Dawn Bellis, Secretary
Standards Council
National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02169
Via Email: DBellis@NFPA.org

Re: Public Comment on proposed amendment of NFPA 150 in relation to fire safety standards in animal housing facilities.

Dear Secretary Bellis,

The Committee on Animal Law of the New York City Bar Association (the “Committee”) respectfully submits this comment in response to the request for public comment on a proposed amendment to National Fire Protection Association 150, *Standard on Fire and Life Safety in Animal Housing Facilities* (“NFPA 150”), to expand the scope of animal facilities that would be required to have sprinkler systems and smoke control systems installed.

The New York City Bar Association is an independent non-governmental organization of more than 23,000 lawyers, law professors and government officials, predominantly from New York City and also from throughout the United States and fifty other countries. The Committee is the first committee of its kind in the country and has a history of supporting federal, state and local anti-cruelty legislation. When warranted, our Committee has taken positions on legislation regarding humane housing standards, including fire safety standards, for confined animals.¹

The Animal Law Committee supports the proposed amendment to NFPA 150 and urges the National Fire Protection Association to formally adopt this amendment. While NFPA standards are not binding, they are an important source of model industry standards that are

¹ See, e.g., Animal Law Committee Report on NYS A.972-A/S.3743-A (to amend the Agriculture and Markets law, in relation to requiring the installation and testing of fire equipment and sprinkler systems for animal housing maintained by pet dealers), available at

<http://www2.nycbar.org/pdf/report/uploads/20072442-PetDealerFireSafety.pdf>.

frequently adopted by states and municipalities throughout the country. Accordingly, adoption of the proposed amendment to NFPA 150 would provide needed guidance on comprehensive fire safety standards for all confined animals.

I. SUMMARY OF THE PROPOSED AMENDMENT

The proposed amendment to NFPA 150 would expand the scope of animal facilities that would be required to have sprinkler systems and smoke control systems installed. Currently NFPA 150 requires sprinklers and smoke control systems in facilities housing animals designated as “Category A” animals,² which are those animals that are dangerous to rescuers or the public or that cannot be easily moved, such as bears, elephants and poisonous reptiles.³ The amendment would require that sprinkler systems and smoke control systems also be installed in facilities housing animals designated as “Category B” animals, which include all animals not designated as “Category A” animals, including, but not limited to, farm animals such as turkeys, cows, pigs and chickens, as well as companion animals such as dogs and cats and other animals typically found in pet stores and breeding facilities.⁴

Existing standards under NFPA 150 apply to animal housing facilities that are subject to local, state or federal licensing or permitting requirements, including but not limited to, barns, stables, horseracing tracks, animal shelters, coops, kennels, laboratories and mercantile or business occupancies with animals.⁵ The proposed amendment to NFPA 150 would apply to newly-constructed or renovated animal housing facilities.⁶

II. THE COMMITTEE SUPPORTS AMENDING NFPA 150 TO INCLUDE “CATEGORY B” ANIMALS

The Committee supports the proposed amendment to NFPA 150 to expand fire protection to all animals confined in animal housing facilities.

Fires in animal housing facilities and in other areas where animals are confined can have tragic consequences both for the animals and the first responders. By requiring the implementation of sprinkler systems and smoke control systems, thousands of animals and humans may be saved from horrible injuries and deaths arising out of fires occurring in animal housing facilities. The risk of injury and death to people and animals is greatly exacerbated where there is no requirement that animal housing facilities have sprinkler systems throughout or maintain smoke control systems.

Fires in animal housing facilities have resulted in numerous deaths and injuries to people and animals. Fires in animal housing facilities put firefighters and other first responders at risk,

² “Category A animals shall include any of the following types of animals: (1) Animal(s) that pose a potential risk to the health or safety of rescuers or the general public; (2) Animal(s) that cannot be removed without potential risk to the health and welfare of the animal or other animals; (3) Animal(s) that are impossible or impractical to move; (4) Animal(s) that are not mobile or not in a mobile enclosure.” NFPA 150, *Standard on Fire and Life Safety in Animal Housing Facilities*, 2013 edition, section 6.3.1.1.

³ “Sprinklered Menagerie,” by Tracy Vecchiarelli, published May 1, 2012, <http://www.nfpa.org/newsandpublications/nfpa-journal/2012/may-june-2012/features/sprinklered-menagerie> (last visited May 12, 2014).

⁴ For purposes of the NFPA 150, “animal” is defined as an air-breathing vertebrate.

⁵ NFPA 150, *supra*.

⁶ *Id.* “Animal housing facility” is defined to mean an “[a]rea of a building or structure, including internal and adjacent exterior spaces, where animals are fed, rested, worked, exercised, treated, exhibited, or used for production.”

as they rush into burning facilities to save trapped animals. Confined animals have no means to escape a fire, which renders fire safety standards critical to their well-being. Permitting certain animal control facilities to forego the use of sprinkler systems and smoke control systems, which might otherwise extinguish or control fires, creates much more dangerous situations for first responders arriving on the scene to assist these animals as well as the employees, customers and other members of the public who may be in proximity to the fire.

These serious risks to people and animals apply equally to fires occurring in animal housing facilities containing Category A animals and fires occurring in animal housing facilities containing Category B animals. Moreover, the fundamental principles listed in *Annex A, Explanatory Material*, annexed to the current NFPA 150, apply equally to all animals, not only to “Category A” animals:

- A.1.1.1** The requirements of NFPA 150 recognize the following fundamental principles:
- (1) Animals are sentient beings with a value greater than that of simple property.
 - (2) Animals, both domesticated and feral, lack the ability of self-preservation when housed in buildings and other structures.
 - (3) Current building, fire, and life safety codes do not address the life safety of the animal occupants.

Accordingly, NFPA 150 should apply equally to Category A and Category B animals.

The importance of the proposed amendment is made clear by the frequency and severity of fires in facilities where animals were confined, as NFPA and other sources have documented. A sampling of such fires in the first few months of 2014 alone includes one in Wisconsin in which 300,000 hens died in their cages;⁷ a fire in Indiana in which 1,000 pigs burned and suffocated to death;⁸ and a fire in Hardwick, Minnesota that killed 3,700 pigs.⁹ The grave risk to first responders is also clear, as in a 2010 fire in a Queens, New York pet store fire, which resulted in injuries to several firefighters as well as the deaths of a number of animals.¹⁰

III. CONCLUSION

For the reasons stated above, the Committee supports the amendment to NFPA 150 and

⁷ WISN news report, “Thousands of Chickens Dead in Egg Farm Fire,” <http://www.wisn.com/news/south-east-wisconsin/racine-kenosha/firefighters-battle-fouralarm-fire-at-egg-fire-in-walworth-county/24231496> (last visited May 10, 2014).

⁸ RTV6 news report, “More Than 1,000 Hogs Die in Indiana Fire,” <http://www.theindychannel.com/news/local-news/more-than-1000-hogs-die-in-indiana-farm-fire> (last visited May 10, 2014).

⁹ KWOA news report, “UPDATE: 3,700 Pigs Die in Hardwick Farrowing Facility Fire Sunday Night,” <http://kwoa.com/news/2014/01/06/eight-departments-battle-hog-barn-blaze> (last visited May 9, 2014).

¹⁰ See WISN news report, “Thousands of Chickens Dead in Egg Farm Fire,” <http://www.wisn.com/news/south-east-wisconsin/racine-kenosha/firefighters-battle-fouralarm-fire-at-egg-fire-in-walworth-county/24231496> (last visited May 10, 2014), noting that multiple fire departments responded to the four-alarm blaze.

urges the National Fire Protection Association to formally adopt this amendment.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Mott".

Christine Mott