



P: 586.576.7600 F: 586.576.0850

www.Conquest-Firespray.com

28408 Lorna Ave., Warren, MI 48092



Rick Chandler, P.E.
Commissioner
New York City
Department of Buildings

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Dear Mr. Chandler:

Conquest is in the fire safety business as a tier-1 manufacturer of fire-rated HVAC systems.

For the last year+, Conquest has been working with code officials throughout the U.S. to point out broad non-compliance with IBC fire safety / life safety codes in fire-rated HVAC systems. The purpose of these systems, which must be 2-hour-rated or more, is to manage hot gases so that occupants and first responders are safe within the specified time frame.

The State of Florida recently issued a Declaration in support of our position that *all fire rated duct systems need to be tested both inside and outside in the vertical and horizontal configurations*; we know other states and cities (D.C., Houston, Denver, Austin to name a few) are following Florida's lead, as they recognize the gap in HVAC code enforcement. But progress and change is slow. Contractors minimize concerns by relying on code officials who lack awareness, and the issue is punted at the expense of occupants.

Now, with the recent attention to code compliance, there is heightened concern for fire safety and life safety, and we are continuing to take our story to code officials....and to the press. Already, trade media such as *Construction Specifier* and *Commercial Construction and Renovation* have run stories on this issue, with our citations. And, as a result of our work, the competition has even acknowledged the need for change. (<https://www.gypsum.org/technical/technical-assistance-faqs/>)

We will continue outreach to the media, but we urge public officials like you to expedite action:

- Fact: There is broad non-enforcement of the *International Building Code (IBC)*, in part from a misinterpretation of the existing codes and/or lack of awareness of code requirements.
- Fact: Most industry-standard horizontal HVAC fire-rated assemblies (drywall and insulation wrap) are not in compliance with requirements of the International Building Code (IBC). States such as Florida, Massachusetts, and



New Jersey are have agreed with the need for enforcement, and we expect more to follow as awareness and momentum build.

- We are in the final edits of a bulletin from your OTCR group, but enforcement of codes that do not permit the use of untested drywall assemblies must begin immediately as well.
- Fact: "Vertical systems cannot simply be turned on their side for horizontal assemblies, and assemblies must be tested for fire inside and fire outside conditions," said John Pattillo, Conquest Principal and head of engineering. "The field reality is that people are choosing systems without understanding code requirements. The reason is simple: The industry is focused on the mechanical code and ignoring important provisions of the International Building Code which relate to fire-rated HVAC assemblies."
- Fact: "Current practices of using non-compliant ceramic insulation not only mask the problem, but accelerate system failure," John Pattillo added. "This imperils the lives of occupants and first responders, and it really needs to be addressed through immediate enforcement of the codes."

Conquest offers a no-cost continuing education program to help specifiers, design professionals, and contractors understand how the mechanical and IBC codes must be considered to achieve compliance. The program has been delivered to AHJ's around the U.S. who quickly shift from skepticism to interest and understanding.

Mr. Chandler, we believe it is important to get in front of this issue and will appreciate any action you can take to accelerate understanding and training of code officials, inspectors and plan reviewers in New York City.

Thank you.

James D Miller

James D Miller
Managing Partner
Conquest Firespray LLC
586.576.7600

