

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE, BOSTON 02133

By His Excellency

MICHAEL S. DUKAKIS
GOVERNOR

EXECUTIVE ORDER NO. 249

COMBUSTION TOXICITY AND FIRE SAFETY COMMISSION

WHEREAS, the incidence of death and serious injury due to fire in the Commonwealth of Massachusetts continues at an unacceptable rate and constitutes a threat to life and property throughout the Commonwealth; and

WHEREAS, approximately eighty percent of fire-related deaths in the country are caused by inhalation of smoke and toxic gases rather than exposure to flames; and

WHEREAS, the toxicity and combustibility of materials and furnishings used in the construction of high density human occupancy buildings when exposed to fire or heat pose a serious public safety problem resulting in the emission of toxic smoke and gases; and

WHEREAS, there is a need to address this public safety problem in a systematic fashion in the Commonwealth, and a need to identify appropriate combustion toxicity test methods and standards, to produce and record data, regarding the toxicity of building materials and furnishings as well as combustibility and smoke production characteristics, and to establish regulatory procedures and rules so as to protect the public from the dangers of toxic products of combustion, particularly in high density and special risk human occupancy buildings;

NOW, THEREFORE, I, Michael S. Dukakis, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me as Supreme Executive Magistrate, do hereby order that:

Section 1. An Advisory Commission be established which shall be known as the Governor's Commission on Combustion Toxicity and Fire Safety, and which shall advise the Governor, the Executive Office of Public Safety, the State Fire Marshal and the Board of Fire Prevention Regulations with respect to issues relating to the toxic products of combustion in high density and special risk human occupancy buildings and to develop proposals to improve fire safety with respect thereto.

Section 2. The State Fire Marshal or his designee shall serve as chairman of said Commission and a designee of the

Secretary of Public Safety shall serve as vice-chairman.

Section 3. The membership of the Commission shall include the Commissioner of Public Health or his designee and the Chairman of the Board of Fire Prevention Regulations or his designee. There shall also be five members appointed by the Governor, each of whom shall be qualified by training, or experience, or interest in the fields of fire safety, combustion toxicology or the combustion of materials, and provided further, that one such appointee shall be a member of the Fire Chiefs Association of Massachusetts, Inc., one shall be a member of the Massachusetts Professional Fire Fighters Association, one shall be a member of the Massachusetts Fire Prevention Association, one shall be the member of the Board of Fire Prevention Regulations who sits as graduate fire chemist with fire testing experience and a full member of a national organization of chemists pursuant to G.L. c. 22, S 14, and one shall be a professional scientist with expertise in combustion toxicology. In addition, the Commission shall include such other members as the Governor shall appoint from time to time, all of whom shall serve at his pleasure.

Section 4. The focus and intent of such investigation and study shall be to undertake a complete analysis of current test methods in the fields of both combustion toxicology and combustibility and to recommend to the Governor adoption in the Commonwealth of the most appropriate existing test method or methods to rate (a) the relative toxicity and (b) the relative combustibility and smoke density of all building materials and furnishings used in or as a part of high density and special risk human occupancy buildings, such buildings being those as are determined by the Commission to pose, by virtue of their size, height, use, public access, density of human occupancy, location or any other relevant characteristics, the potential danger of injury or loss of life as a result of a fire. In evaluating such test methods, the Commission is mandated to review the study commissioned by the State of New York and conducted by Arthur D. Little of Cambridge, Massachusetts (issued in June, 1983), and to consider its findings and recommendations as they may be applicable to the fire safety conditions in the Commonwealth. The Commission is further urged to study the toxicity data filing system recommended by the Secretary of State in New York and to consider adoption thereof or of a similar system in Massachusetts.

Before making its recommendations, the Commission shall hold at least one public hearing and shall consult with, receive evidence from, and solicit the opinions of the board of Fire Prevention Regulations, interested state agencies, professional fire-fighters, fire chiefs, firefighters' unions, other fire professionals, the health professions, industries which manufacture and/or supply such building materials and furnishings, public interest groups, and the general public as it may determine appropriate. The Commission may call upon officials of the Commonwealth or its various subdivisions for information or

assistance. It may also call upon officials of the federal government and its various agencies, and other state governments or and their agencies, for information it may desire to study.

Section 5. The Commission shall make further recommendations as follows:

A. If determined appropriate, the Commission shall recommend the adoption of a data filing system by which all materials used in building construction and furnishings will be tested according to the test methods recommended in Section 4(a) and (b) above, the results of which will be submitted to the Commonwealth where they shall be filed in the public record and readily available to the public. If such a data filing system is recommended, the Commission shall further recommend the form, substantive requirements and procedures of said data filing system, and is requested to recommend a plan for implementing such system. Said plan should include a recommendation for the designation of a fire safety official or agency of the Commonwealth to adopt and administer said data filing system on a permanent basis, and who or which will have responsibility to promulgate rules and regulations to accomplish expeditious implementation of said data filing system.

B. The Commission shall also consider the feasibility of legislation or regulations in addition to a data filing system which address the fire safety problem posed by the toxicity and combustibility of materials used in building construction and furnishings. If the commission determines it appropriate, such consideration should include but not be limited to legislation or regulations setting forth performance standards for various materials at various temperatures, according to the test methods adopted in Section 4(a) and (b) above and the labelling of materials with the results of said tests. The Commission may recommend such legislation or regulations as are determined appropriate as a result of this consideration, and designation of a fire safety official or agency of the Commonwealth to serve as lead official or agency with respect to programs adopted as a result of the Commission's recommendations pursuant to this section.

C. The Commission is further requested to propose methods and suggested language regarding combustion toxicity and fire safety which is susceptible to inclusion in a Fire Safety Code for the Commonwealth. Said methods and suggestions should be presented for consideration by the Board of Fire Prevention Regulations in a prospective State Fire Safety Code.

D. The Commission shall make such other or further recommendations with respect to fire safety measures needed to achieve a greater degree of fire safety in high density human occupancy buildings as it determines appropriate.

The Commission shall report to the Governor the results of

its investigation and study, and its recommendations, together with drafts of legislation or regulations necessary to carry its recommendations into effect by presenting the same to the Governor on or before March 31, 1985.

MICHAEL S. DUKAKIS
GOVERNOR
Commonwealth of Massachusetts

MICHAEL JOSEPH CONNOLLY
SECRETARY OF THE COMMONWEALTH

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS